



FILED
May 06 2026

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF
JAMES CHRISTOPHER PITTMAN,
STATE BAR CARD NO. 24013337**

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CAUSE NO. 73020

PETITION FOR COMPULSORY DISCIPLINE

TO THE BOARD OF DISCIPLINARY APPEALS:

The Commission for Lawyer Discipline (hereinafter referred to as “the Commission”), brings this compulsory discipline action against attorney James Christopher Pittman (“Respondent”), and would show the following:

1. This action is commenced by the Commission pursuant to Part VIII of the Texas Rules of Disciplinary Procedure. The Commission is providing Respondent a copy of this Board's procedures for handling a compulsory discipline matter by attaching a copy of such procedures to this petition.

2. Respondent may be served with a true and correct copy of this Petition for Compulsory Discipline and its attachments, as well as a notice of hearing, at James Christopher Pittman, c/o Daniel P. Garrigan, 3811 Turtle Creek Blvd., Ste. 175, Dallas, Texas 75219.

3. On or about December 15, 2022, Respondent was charged by Superseding Indictment (Exhibit 1) in Cause No. 1:21-CR-001931-KAM, styled *United States of America - against - RICHARD DALE STERRITT, JR., also known as “Richard Richman,” JAMES CHRISTOPHER PITTMAN, and ROBYN STRAZA, Defendants*, in the United States District Court, Eastern District of New York, Brooklyn Office, which states in pertinent part as follows:

INTRODUCTION

At all times relevant to this Superseding Indictment, unless otherwise indicated:

I. Background

A. The Corrupt Companies and Related Entities

1. Zona Energy Inc. ("Zona Energy") was a company incorporated in the State of Texas and controlled by the defendant RICHARD DALE STERRITT, JR., also known as "Richard Richman." The defendant JAMES CHRISTOPHER PITTMAN was a director and registered agent of Zona Energy. Zona Energy described its business as "a portfolio company of a family office focused on a generational opportunity in the independent oil and natural gas industry focused on the acquisition, development, exploration and exploitation of unconventional, onshore oil and natural gas reserves in the Permian Basin in West Texas." On or about June 29, 2020, a wholly owned subsidiary of the entity ERF Wireless, Inc., defined below, announced that it had completed a share exchange with Zona Energy whereby Zona Energy shareholders received shares of ERF Wireless, Inc.. After the share exchange, Zona Energy ceased to exist as a separate corporation.

2. Richman Energy, Inc. ("Richman Energy") was a company incorporated in the State of Texas and controlled by the defendant RICHARD DALE STERRITT, JR.

3. The Richman Organization, Inc. ("Richman Organization") was a company incorporated in the State of Texas and controlled by the defendant RICHARD DALE STERRITT, JR.

4. Le Cle Minerals, Inc. ("Le Cle Minerals") was a company incorporated in the State of Texas and controlled by the defendant RICHARD DALE STERRITT, JR.

5. Legal Metrics Services, Inc. ("Legal Metrics") was a company incorporated in the State of Texas and controlled by the defendant RICHARD DALE STERRITT, JR.

6. Accordant Services, Inc. ("Accordant") was a company incorporated in the State of Texas and controlled by the defendant RICHARD DALE STERRITT, JR. Accordant purported to provide services to Zona Energy.

7. OrgHarvest Inc. ("ORGH") was a company originally incorporated in the State of Delaware in or about 1997. In or about July 2018, after multiple business and name changes, ORGH adopted the name "OrgHarvest, Inc." and announced plans to produce cannabis products. At all times relevant to this Superseding Indictment, ORGH had its principal place of business in Dallas, Texas

and was controlled by the defendant RICHARD DALE STERRITT, JR. In or about January 2020, the defendant JAMES CHRISTOPHER PITTMAN became a director of ORGH. Until in or about June 2020, ORGH's common stock was quoted on OTC Link under the ticker symbol ORGH.

8. ERF Wireless, Inc. ("ERFB") was originally incorporated in the State of Texas under the name FleetClean Systems, Inc. In or about 2004, ERFB changed its name to ERF Wireless, Inc. and moved its state of incorporation to Nevada. ERFB purported to provide wireless communications products and services, specifically to the oil and gas industry. At all times relevant to this Superseding Indictment, ERFB had its principal place of business in Dallas, Texas and was controlled by the defendant RICHARD DALE STERRITT, JR. As noted above, in or about June 2020, a subsidiary of ERFB entered into a share exchange with Zona Energy.

9. The Brokerage firm, an entity the identity of which is known to the Grand Jury, was a registered broker-dealer based in Salt Lake City, Utah.

B. The Defendants and Relevant Co-Conspirators

10. The defendant RICHARD DALE STERRITT, JR. was a resident of the State of Texas and an undisclosed control person of multiple entities related to the Fraudulent Schemes (as defined below), including Zona Energy, ERFB, ORGH, Accordant, Legal Metrics, Richman Energy, the Richman Organization and others. In or about April 2003, STERRITT was convicted in the United States District Court for the Northern District of Texas of conspiracy to commit securities fraud and was sentenced to five years' imprisonment. In connection with the Fraudulent Schemes, STERRITT held himself out as "Richard Richman" and did not disclose his true identity or criminal background to investors in Zona Energy or ORGH.

11. The defendant JAMES CHRISTOPHER PITTMAN was a resident of the State of Texas, a real estate lawyer and a close associate of the defendant RICHARD DALE STERRITT, JR. PITTMAN was a director and shareholder of Zona Energy and a director of ORGH.

12. The defendant ROBYN STRAZA was a resident of the State of Texas and the ex-wife of the defendant RICHARD DALE STERRITT, JR. STRAZA was the nominal controlling shareholder of Le Cle Minerals and, at all times relevant to this Superseding Indictment, the President of Le Cle Minerals.

13. Michael Greer was a resident of the State of Texas and an acquaintance of the defendant RICHARD DALE STERRITT, JR. Greer was a Vice President of Accordant and a nominee shareholder of both Zona Energy and ORGH.

14. Robert Magness was a resident of New York, New York and owned a clothing store in New York, New York. Magness was a nominee member of the Board of Directors for Zona Energy, as well as the President of Legal Metrics and a member of its Board of Directors. Magness was also the nominee shareholder of ORGH stock that was controlled by the defendant RICHARD DALE STERRITT, JR.

15. Mark Ross was a resident of the State of Florida and an associate of the defendant RICHARD DALE STERRITT, JR. Ross was a principal of a brokerage firm that was shut down by the Financial Industry Regulatory Authority ("FINRA") in or about 2007 for, among other things, systemic violations of anti-money laundering rules.

16. Co-Conspirator 1, an individual whose identity is known to the Grand Jury, held a number of high-level positions at Richman Energy and Legal Metrics, was an employee of Accordant and was a close confidant of the defendant RICHARD DALE STERRITT, JR.

17. Co-Conspirator 2, an individual whose identity is known to the Grand Jury, held a number of high-level positions at Zona Energy, was a member of the Board of Directors of Richman Energy and was a close confidant of the defendant RICHARD DALE STERRITT, JR.

18. Co-Conspirator 3, an individual whose identity is known to the Grand Jury, was a registered broker at the Brokerage Firm.

C. Relevant Principles and Definitions

19. "Demand notes" were loans without a fixed term of repayment schedule that can ordinarily be recalled at the loaner's request.

20. "Over-the-counter" ("OTC") referred to the process by which securities of public companies that were not listed on a centralized exchange, such as the New York Stock Exchange or NASDAQ, were traded. OTC trades occurred over a broker-dealer network. Penny stocks were typically traded OTC.

21. "Matched trades" were the simultaneous purchase and sale of securities by parties that coordinated with each other as to the price and size of the trades. For example, a matched trade took place when Investor A bought 100 shares at \$5.00 per share of Company A through a broker, while Investor B, who coordinated with Investor A, simultaneously sold 100 shares at \$5.00 per share of Company A through a broker. Matched trades were used to create the false appearance that the stock price and/or trading volume increased as a result of genuine market demand for the securities.

II. The Fraudulent Schemes

22. In or about and between March 2018 and January 2021, both dates being approximate and inclusive, the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with Michael Greer, Robert Magness, Mark Ross and others, devised and engaged in a series of related fraudulent schemes in which they agreed to engage in an offering fraud in the securities of Zona Energy (the "Zona Energy Offering" or the "Zona Energy Offering Fraud") and to manipulate the price and trading volume of publicly traded shares of ORGH (the "ORGH Market Manipulation," and, together with the Zona Energy Offering or the Zona Energy Offering Fraud, the "Fraudulent Schemes"). In addition, STERRITT and the defendant ROBYN STRAZA, together with Greer, Magness and others, laundered the proceeds of the Fraudulent Schemes by facilitating financial transactions to conceal and promote the Fraudulent Schemes, including by transferring investor funds through a series of bank accounts controlled by the defendants.

A. The Zona Energy Offering Fraud

23. In or about and between March 2018 and January 2021, both dates being approximate and inclusive, the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with Michael Greer, Mark Ross and others, engaged in the Zona Energy Offering Fraud, which raised approximately \$16 million in investor funds through the sale of shares of Zona Energy and ERFB through a series of material misrepresentations and omissions regarding, *inter alia*, Zona Energy's performance, use of investor funds and STERRITT's background and involvement in Zona Energy. The conspirators then misappropriated the proceeds of the Zona Energy Offering Fraud by spending millions of dollars on luxury items, paying personal expenses and funneling funds into unrelated business endeavors.

i. The Zona Energy Sublease

24. The La Escalera Ranch (the "Ranch") was a 220,000-acre working cattle ranch in the Permian Basin of West Texas, an area with oil and gas deposits. The owners of the Ranch had, at various times relevant to this Superseding Indictment, leased mineral rights to third parties.

25. On or about April 14, 2018, Le Cle Minerals, an entity controlled by the defendant RICHARD DALE STERRITT, JR., agreed to lease mineral rights on the Ranch from a third-party lessee.

26. On or about April 15, 2018, Le Cle Minerals assigned the leasehold mineral rights to the Ranch to Richman Energy, another entity controlled by the defendant RICHARD DALE STERRITT, JR.

27. On or about May 30, 2018, Richman Energy assigned the same leasehold mineral rights interest to Zona Energy. As a part of that sublease, Zona Energy signed demand notes indebted to Richman Energy for approximately \$20 million. The terms of the original sublease signed by Le Cle Minerals, which was assumed by Zona Energy, required Zona Energy to do the following by August 31, 2018: (a) drill an initial well; (b) extend the lease agreement at a significant cost; or (c) pay liquidated damages. The terms of the sublease further obligated Zona Energy to maintain a continuous drilling program of at least two wells per year starting in 2019 and to make over \$12 million in acquisition payments by 2022 or be subject to immediate termination of the sublease.

ii. The Zona Energy Offering

28. Beginning in or about April 2018, the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with Robert Magness, Michael Greer, Mark Ross and others, began offering shares of Zona Energy and marketing those shares to investors and potential investors based on the leasehold interest in the Ranch.

29. The defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with Robert Magness, Mark Ross, Michael Greer and others, including individuals who helped market the stock (the "Promoters"), used a variety of materials to recruit investors to invest in the Zona Energy Offering. These materials included a packet of marketing materials (the "Zona Offering Summary") and a promotional presentation (the "Zona Presentation"), collectively, the "Zona Offering Materials." The Zona Offering Summary incorporated by reference the Zona Presentation. Specifically, STERRITT directed the Promoters to send the Zona Offering Summary to prospective investors, and, when investors expressed interest in purchasing Zona Energy stock, to provide the investors with the Zona Presentation.

30. The Promoters personally benefited from the offering scheme, as they received the option to buy Zona Energy shares at a discount in exchange for recruiting friends, family, coworkers and clients to invest. Many investors were not told that the Promoters were being compensated. For instance, the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN and at least one of the Promoters agreed that the Promoter would be compensated for their efforts to market the Zona Energy Offering. PITTMAN and STERRITT discussed this arrangement using code words, describing "[o]ur agreement" as "7% of total catch, 50% in shares and 50% in fishes." PITTMAN also received shares of Zona Energy at a discount, including one million shares of Zona Energy transferred to an entity controlled by PITTMAN in or about October 2018 and another one million shares of Zona Energy transferred to an entity controlled by PITTMAN in or about March 2020. Later, in or about October 2020,

the Richman Organization transferred four million shares in ERFB, Zona Energy's successor company, to an entity controlled by PITTMAN.

31. The Zona Offering Materials included several false and misleading statements about the Zona Energy Offering, and omitted material information, including the following:

(a) The Zona Offering Summary and the Zona Presentation each described the offering as the initial sale of three million shares issued by Zona Energy at \$1.00 per share. However, as detailed below, many of the shares that were provided to investors were not issued by the company.

(b) The Zona Offering Summary and the Zona Presentation each stated that the proceeds of the offering would be used for "leasehold acquisitions and for other general business purposes." Instead, as detailed below, the majority of the proceeds from the offering were not used for these purposes.

(c) The Zona Offering Summary and the Zona Presentation each failed to disclose the involvement in Zona Energy of the defendant RICHARD DALE STERRITT, JR., his control over the company and his prior criminal history.

(d) The Zona Offering Summary misrepresented the role of Zona Energy's actual management, including a geologist who had been retained by the original lessor.

(e) The Zona Offering Summary misrepresented the commercial viability and cash flow prospects of the company.

32. The defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, along with Robert Magness, Michael Greer, Mark Ross and others, used the false and misleading Zona Offering Materials to recruit investors.

33. Once a prospective investor expressed an interest in purchasing shares of Zona Energy, the prospective investor was instructed to contact Co-Conspirator 2 to finalize the investment. When corresponding with investors, Co-Conspirator 2 used an "@zonaenergy" email address and identified him/herself as Zona Energy's Corporate Secretary. Furthermore, Co-Conspirator 2 was described in the Zona Offering Materials as Zona Energy's " Director, Corporate Secretary, & Investor Relations."

34. At the direction of the defendant RICHARD DALE STERRITT, JR., Co-Conspirator 2 sold shares of Zona Energy to investors not only directly from the company, but also from other entities that STERRITT controlled,

including Richman Energy, and from Michael Greer. STERRITT further directed Co-Conspirator I to sign important documents as an officer and on behalf of the entities under STERRITT's control that were selling the shares. Based on the Zona Offering Materials and statements by the Promoters and others, prospective investors believed that they were purchasing shares directly from Zona Energy.

35. To finalize the stock sales, Co-Conspirator 2, at the direction of the defendant RICHARD DALE STERRITT, JR., provided prospective investors with a securities purchase agreement for Zona Energy shares and wiring instructions for a bank account to deposit the purchase amount. The bank accounts that Co-Conspirator 2 provided to investors were often in the name of entities controlled by STERRITT, such as Richman Energy, the Richman Organization and others.

36. Contrary to the information provided to the investors in the Zona Offering Materials, the majority of the funds that were wired by investors to purchase Zona Energy stock were never sent to Zona Energy and were never used for Zona Energy's corporate purposes. Instead, at the direction of the defendant RICHARD DALE STERRITT, JR., the funds were sent to entities controlled by STERRITT or directly to Michael Greer.

37. Co-Conspirator I, who communicated with investors and prospective investors in Zona Energy, knew that the defendant RICHARD DALE STERRITT, JR. controlled the entities to which investors wired money and knew that some of the funds provided by investors were never sent to Zona Energy. Co-Conspirator 2 tracked the funds raised from the sale of Zona Energy shares in tracking spreadsheets that were reviewed by STERRITT, despite the fact that STERRITT had no disclosed role with Zona Energy.

38. In total, in or about and between March 2018 and November 2020, the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with Michael Greer, Robert Magness, Mark Ross and others, raised more than \$16 million from at least 300 investors in the Zona Energy Offering. Of that amount, only approximately \$800,000 was sent directly to Zona Energy; the remainder was sent to Greer or to entities controlled by STERRITT.

iii. Misappropriation of Investor Funds and the Scheme to
Launder Proceeds of the Zona Energy Offering Fraud

39. As detailed above, investors and potential investors in Zona Energy were told by the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, Michael Greer, Robert Magness, Mark Ross and others that the investment funds they provided would be used to support Zona Energy's operations, specifically, to develop the oil and gas operations on the Ranch. The Zona Offering Materials were consistent with what the investors were

told regarding how the investment proceeds would be used and stated that the proceeds of the stock sale would be used for "leasehold acquisitions and for other general business purposes" and "to fund legal and administrative expenses for this offering."

40. Instead of using investor funds to develop Zona Energy as represented in the Zona Offering Materials, the defendants RICHARD DALE STERRITT, JR. and ROBYN STRAZA, together with Michael Greer, Mark Ross and others, misappropriated large portions of the investor funds raised in the Zona Energy Offering for their personal use or to send to other companies controlled by STERRITT that were not disclosed to investors in Zona Energy.

41. To facilitate the misappropriation of funds from the Zona Energy Offering, the defendants RICHARD DALE STERRITT, JR. and ROBYN STRAZA, together with Michael Greer, Mark Ross and others, engaged in a scheme to launder investor money from the sale of Zona Energy shares among and between bank accounts controlled by STERRITT, STRAZA and Greer, including accounts for Richman Energy, the Richman Organization, Accordant and Le Cle Minerals. In some cases, investor funds were wired between bank accounts for multiple entities in the name of STRAZA and Greer, or their entities, before they were used to pay personal expenses of STERRITT, STRAZA and Greer; to purchase luxury goods, including plastic surgery; or provide cash to STERRITT's family, friends and girlfriends and to Ross. Although a small percentage of investor funds that had been sent to STERRITT's entities were used for Zona Energy, significantly more funds were used to invest in unrelated businesses in which STERRITT had an interest, such as ORGH or ERFB. Ross and members of his immediate family received more than \$200,000 in cash from STERRITT-controlled entities. Some of those funds were provided to Ross by STERRITT-controlled entities pursuant to a sham consulting agreement, and it was not disclosed to investors recruited by Ross to purchase Zona Energy stock that Ross would receive payments out of investor funds.

42. For example, in or about January 2019, two bank accounts at Accordant and Richman Energy controlled by the defendant RICHARD DALE STERRITT, JR. and which had almost no money, received a series of deposits totaling nearly \$3.4 million from 83 investments for the purchase of Zona Energy shares. STERRITT misappropriated a majority of those funds, including by transferring over \$2.6 million to accounts in the name of the defendant ROBYN STRAZA, approximately \$80,000 to Michael Greer and over \$80,000 to one of STERRITT's girlfriends and her family. STERRITT and Greer also used more than \$50,000 to purchase a Bentley, which was registered in Greer's name, and spent tens of thousands of dollars at restaurants and retailers.

43. Michael Greer also used funds provided by Zona Energy investors to finance unrelated businesses for the defendant RICHARD DALE STERRITT, JR., to wire cash to STERRITT's girlfriends, to withdraw cash and to

make numerous purchases at restaurants and retail establishments. In addition, millions of dollars of Zona Energy investor funds were transferred through multiple accounts in the defendant ROBYN STRAZA's name and then used to purchase luxury items or finance unrelated projects. For example, on or about April 22, 2019, \$200,000 in Zona Energy investor funds were sent to an Accordant bank account controlled by STERRITT. On or about and between April 22, 2019 and April 23, 2019, the same Accordant bank account received a total of \$137,000 from a Richman Energy bank account. On or about April 23, 2019, \$300,000 was wired from the Accordant bank account to a bank account belonging to STRAZA at the same financial institution. On or about April 26, 2019, STRAZA transferred \$300,000 to a different account belonging to STRAZA at the same financial institution. On or about April 26, 2019, the same day as the prior transfer, \$275,000 was transferred from STRAZA's account to another account at a different financial institution to fund an unrelated project in the entertainment industry. STRAZA's account retained \$25,000 of the original Zona Energy investor funds.

44. On or about March 17, 2020, an investor in Zona Energy ("Investor-1," an individual whose identity is known to the Grand Jury) wired \$400,000 into a bank account for the Richman Organization that was under the control of the defendant RICHARD DALE STERRITT, JR. and Michael Greer. Investor-1 believed that his/her investment would improve the oil and gas properties at Zona Energy and discussed the purpose of the investment with STERRITT. The next day, on or about March 18, 2020, Greer withdrew \$350,000 from the same bank account at the Richman Organization. That same day, \$350,000 was deposited into a bank account in the name of the defendant ROBYN STRAZA, and \$350,000 was then transferred from STRAZA's bank account to her account at a brokerage firm specializing in electronic trading. Thereafter, on or about and between March 18, 2020 and March 27, 2020, STRAZA purchased \$261,000 in stocks of publicly traded companies, including ERFB, ORGH, another cannabis company and large companies in the oil and gas sector. On or about March 23, 2020, STRAZA withdrew \$33,000 from her brokerage account and deposited it in a bank account in her name.

45. The defendant RICHARD DALE STERRITT, JR. also improperly used Zona Energy investor funds to further his other businesses, without disclosing to investors how those funds would be used. For example, STERRITT had asked another investor based in the Eastern District of New York ("Investor-2," an individual whose identity is known to the Grand Jury), who had previously invested in Zona Energy and was recruited by the defendant JAMES CHRISTOPHER PITTMAN to contribute funds to a cannabis company over which STERRITT was trying to gain control. Investor-2 declined to invest in the cannabis company. Nevertheless, in or about March 2020, after STERRITT and PITTMAN raised additional funds for Zona Energy from Investor-2, those funds were invested not in Zona Energy, but in First Seed Farms, another cannabis company controlled by STERRITT, without Investor-2's knowledge.

46. The fraudulent nature of the Zona Energy Offering and the misappropriation of Zona Energy investor funds was openly discussed among the defendants and their co-conspirators. For example, on or about November 7, 2019, a former employee of Zona Energy (the "Zona Energy Employee," an individual whose identity is known to the Grand Jury) met with the defendant JAMES CHRISTOPHER PITTMAN, Robert Magness, Co-Conspirator 2 and a senior executive of Zona Energy. The Zona Energy Employee discussed with the other meeting attendees that Zona Energy investors were being lied to about the use of proceeds, that control exerted by the defendant RICHARD DALE STERRITT, JR. over the company was both improper and hidden from investors, and that STERRITT was misappropriating investor funds.

47. Similarly, on or about November 22, 2019, the Zona Energy Employee wrote an email to the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, Co-Conspirator 1, Co-Conspirator 2 and other Zona Energy employees that certain inter-company transfers of Zona Energy investor funds appeared to have "no notes or documentation," that "no apparent business purpose existed as a rationale for such transfers," and that "no true cash management protocols, nor internal controls ... have been in place at the [sic] most if not all the Richman related companies." The Zona Energy Employee also wrote that the situation was "so bad it looks intentional and nefarious." STERRITT terminated the Zona Energy Employee's employment less than a month after the email was sent.

48. On or about December 6, 2019, the defendant JAMES CHRISTOPHER PITTMAN, the Zona Energy Employee, Co-Conspirator 2, a senior executive of Zona Energy and others again discussed the defendant RICHARD DALE STERRITT, JR.'s misappropriation of investor funds. On the call, PITTMAN stated the following to the senior Zona Energy executive: "I see what's going on behind the scenes in these financials. I don't even want to say it. It starts with a P word. It's robbing Peter to pay Paul. It's shell games. It's everything you read about on . . . what's that show . . . American Greed."

iv. The "Catfishing Email" and the Cover Up of Sterritt's Criminal Past and Misappropriation

49. The defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with Ross, Magness, Co-Conspirator 1, Co-Conspirator 2 and others, concealed STERRITT's prior criminal history and misappropriation of investor funds and continued to raise money from investors.

50. For instance, in or about January 2020, the Zona Energy Employee emailed a number of Zona Energy investors and disclosed the defendant RICHARD DALE STERRITT, JR.'s prior criminal history and attached a photocopy of STERRITT's driver's license with his real name (the "Catfishing Email"). Among other things, the email asked investors, rhetorically: "Did you buy

your Zona stock from Richard Richman and his company Richman Energy or Accordant Services or some other entity on the promise that the money would directly benefit Zona? Do you know where your money went?" "If **Richard Richman** is really **Richard Dale Sterritt**, do you know whether he has a federal felony conviction for conspiracy to commit securities fraud and file false tax returns?" "[H]ave we all been 'catfished'? Is this 'business catfishing'?"

51. In response, the defendant RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with others, provided materially false and misleading information to investors. On or about January 22, 2020, the Zona Energy Board of Directors, which included PITTMAN, sent an email to Zona Energy's investors, claiming, among other things, that "Mr. Richman," i.e. STERRITT, "does not participate in the management of Zona," when in fact STERRITT exercised control over Zona Energy.

52. The defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN and others falsely claimed to investors that STERRITT's prior conviction was related to tax violations, when in truth STERRITT was convicted of conspiracy to commit securities fraud. STERRITT, PITTMAN and others also did not disclose to investors that much of the money raised for Zona Energy had been misappropriated by STERRITT and others, that Zona Energy had failed to meet the conditions of its sublease in the Ranch, or that a Zona Energy contractor had sent the company a demand notice for more than \$1.3 million in unpaid invoices. For instance, on or about January 27, 2020, in response to questions from an investor, PITTMAN wrote, "Yes his name is Richard Sterritt and he did a dba [doing business as] to protect the asset. As of today we have never been better positioned with the management and future management team and interested drilling partnerships."

53. In fact, the defendant JAMES CHRISTOPHER PITTMAN had known about and concealed from investors the defendant RICHARD DALE STERRITT, JR.'s criminal past as early as in or about September 2018. On or about September 19, 2018, PITTMAN had received an email (the "Anonymous Email") from an anonymous email account stating that STERRITT was "guilty for securities fraud, money laundering and filing false tax returns." The Anonymous Email further stated that "Sterritt (Richard Richman) [was] sentenced to prison" and included a hyperlink to a Fifth Circuit court opinion denying STERRITT's appeal of his criminal conviction. The same day, PITTMAN forwarded the Anonymous Email to STERRITT, writing: "I just received this email from a sender using some anonymous email address. What the heck is all this about. And is someone trying to sabotage this deal?"

54. The defendant RICHARD DALE STERRITT, JR. also used investor funds from Zona Energy to fund payments to dissatisfied earlier investors. For example, in or about January 2020, after learning of STERRITT's prior criminal history and real name, an investor ("Investor-3," an individual whose identity is

known to the Grand Jury) confronted STERRITT and the defendant JAMES CHRISTOPHER PITTMAN and demanded the return of his/her \$30,000 Zona Energy investment. In or about March 2020, at PITTMAN's urging, STERRITT repaid Investor-3. STERRITT used new investor funds to return \$30,000, plus interest, to Investor-3.

55. In or about and between January 2020 and November 2020, the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with Mark Ross and others, raised at least \$2 million for Zona Energy from new and existing investors, despite the fact that by that point Zona Energy had produced no revenue from drilling and was in default of its sublease. Most of this money was also misappropriated by STERRITT and his co-conspirators.

56. In total, despite raising approximately \$16 million by approximately November 2020, Zona Energy failed to meet the terms of its sublease, in particular by failing to drill two wells per year and failing to meet the annual acreage acquisition required by the sublease to maintain the mineral rights in the Ranch. Rather, less than \$5 million of investor funds (comprised of the approximately \$800,000 in investor funds that were sent directly to Zona Energy and additional investor funds that were funneled to and through other entities controlled by the defendant RICHARD DALE STERRITT, JR.) were used to drill a single "scientific" well. The well was never completed, never produced any oil or natural gas and never connected to a pipeline, though the fact that some drilling had occurred was used to raise additional money from investors. The well's vendors have since sued Zona Energy and its operator for at least \$163,000 of unpaid invoices.

B. The ORGH Market Manipulation Scheme

57. In or about and between February 2020 and June 2020, both dates being approximate and inclusive, the defendant RICHARD DALE STERRITT, JR., together with Robert Magness, Mark Ross and others, engaged in a market manipulation scheme involving ORGH stock. The conspirators engaged in matched trading to artificially inflate the price of ORGH shares, and coordinated those ORGH trades with a law enforcement agent posing as a corrupt stock promoter (the "Undercover Agent"), who they believed controlled a team of corrupt brokers who would buy the artificially inflated ORGH stock in their customers' accounts.

58. As detailed above, the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with others, concealed from Zona Energy investors STERRITT's prior criminal history, STERRITT's role in the company, and the fact that STERRITT and his co-conspirators had spent most of the money raised from Zona Energy investors on personal expenses and other businesses. In a further attempt to raise revenue and

hide the misappropriation from and true financial condition of Zona Energy, STERRITT and his co-conspirators decided to execute a reverse merger between Zona Energy and a public company that was traded OTC, which they could use to manipulate the shares they would acquire through swaps of private Zona Energy shares for those of the intended reverse merger target.

59. At least as early as 2018, the defendant RICHARD DALE STERRITT, JR. and his co-conspirators had told investors and potential investors in Zona Energy that the company's long-term plan was to take Zona Energy public so that the investors could sell their Zona Energy shares and make a profit. Indeed, the Zona Offering Summary described the "Path to Development" for the company as a "share exchange of Zona shareholders by [sic] publicly traded company." Over the course of the next two-and-a-half years, Zona Energy investors were informed of at least three public companies as possible merger candidates, including ORGH and ERFB, both companies that STERRITT secretly controlled.

60. In or about January 2020, the defendant RICHARD DALE STERRITT, JR. gained control of ORGH when several entities and trusts set up in the name of STERRITT's family members, close friends and co-conspirators tendered Zona Energy shares to the previous shareholders of ORGH in exchange for ORGH shares. For instance, the defendant JAMES CHRISTOPHER PITTMAN was the sole director and Chief Executive Officer of an entity that, on or about January 30, 2020, converted approximately 25,000 Zona Energy shares into approximately two million ORGH shares. PITTMAN also became a director of ORGH in late January 2020. Co-Conspirator 2 subsequently created a spreadsheet for STERRITT that tracked the shares owned by the various entities and individuals under STERRITT's control. Those shares comprised the majority of outstanding ORGH stock.

61. One of the entities that acquired shares of ORGH was Legal Metrics, of which Robert Magness and Co-Conspirator 1 were directors. In or about February 2020, Robert Magness opened an account at the Brokerage Firm in the name of Legal Metrics and deposited 5,250,000 ORGH shares.

62. Following the deposit of those shares, the defendant RICHARD DALE STERRITT, JR, together with Robert Magness, Mark Ross and others, planned to use the ORGH shares in the Legal Metrics account at the Brokerage Firm to engage in a market manipulation scheme employing matched trading.

i. Fraudulent Matched Trading in ORGH Stock

63. To accomplish the market manipulation scheme, beginning in or about February 2020, the defendant RICHARD DALE STERRITT, JR., together with Robert Magness, Mark Ross and others, worked with the Undercover Agent to engage in fraudulent trading activity of ORGH shares.

64. In or about and between February 2020 and June 2020, the Undercover Agent, while located in the Eastern District of New York, engaged in a series of consensually recorded calls with the defendant RICHARD DALE STERRITT, JR. and/or Robert Magness and Mark Ross to discuss the matched trading scheme. As part of the matched trading scheme, STERRITT indicated that he intended to sell the ORGH shares that he controlled at inflated prices and create a misleading appearance of active trading in ORGH at the inflated prices. The Undercover Agent told STERRITT that he had a team of brokers based in the Eastern District of New York that, at STERRITT's request, could control the sale of ORGH shares to their clients at a price set by STERRITT.

65. On or about March 30, 2020, the defendant RICHARD DALE STERRITT, JR. informed the Undercover Agent on a consensually recorded call that he could control the trading in ORGH shares because he had "[one] hundred percent control" over the ORGH shares deposited at the Brokerage Firm.

66. On or about April 15, 2020, the defendant RICHARD DALE STERRITT, JR. informed the Undercover Agent that he intended to sell 40 to 50 million shares of ORGH that he controlled through his nominees at a target price of \$2.00 per share, which far exceeded the prior share price of ORGH stock. Soon thereafter, STERRITT indicated to the Undercover Agent that he would engage in a series of smaller matched trades with the Undercover Agent as tests to ensure that they could properly execute the matched trades before trading tens of millions of shares.

67. On or about and between May 19, 2020 and May 29, 2020, the defendant RICHARD DALE STERRITT, JR., together with Robert Magness, Mark Ross and others, engaged in matched trading of ORGH stock, coordinating the trades through a series of consensually recorded calls and text messages. Matched trading occurred on each of the trading days in that time period, at increasing volume. The trades occurred on the following dates and prices per share:

Date	Price
May 19, 2020	\$0.99
May 20, 2020	\$0.98
May 21, 2020	\$1.26
May 22, 2020	\$1.44
May 26, 2020	\$1.62
May 27, 2020	\$1.52
May 28, 2020	\$1.72
May 29, 2020	\$1.65

68. For example, on or about May 19, 2020, the defendant RICHARD DALE STERRITT, JR. and Robert Magness agreed, on a consensually

recorded conference call, to trade a specific number of ORGH shares and the price at which those shares would be traded. Magness indicated that he agreed with STERRITT and the Undercover Agent to make a series of smaller, test matched trades before moving on to trade \$100 million in ORGH stock. After making that agreement and with the conference line still open so that STERRITT and the Undercover Agent could hear the call, Magness called Co-Conspirator 3, a registered representative at the Brokerage Firm, to place an order to sell ORGH shares owned by Legal Metrics at a pre-arranged sale price, just below the best offer price for the day of \$1.00 per share. Magness stated to Co-Conspirator 3 that he wanted to sell 1,000 shares at \$0.99 per share. As soon as Co-Conspirator 3 posted the offer from Magness, the Undercover Agent placed a buy order, purchasing the shares offered by Magness and completing the matched trade.

69. On or about May 20, 2020, the defendant RICHARD DALE STERRITT, JR. exchanged text messages with the Undercover Agent confirming that they would engage in matched trading at 2:00. and would speak by telephone to confirm the trades. Near the pre-appointed time, Robert Magness, with STERRITT and the Undercover Agent listening to the call but unannounced, spoke by telephone with Co-Conspirator 3 and placed the trade in ORGH.

70. On or about May 28, 2020, Robert Magness called Co-Conspirator 3 to place an order to sell ORGH shares owned by Legal Metrics at a pre-arranged sale price, previously communicated by the defendant RICHARD DALE STERRITT, JR. to the Undercover Agent, which was just below the best offer price of \$1.74 per share at that point in the day. With the conference line still open so that the Undercover Agent could hear the call, Magness stated to Co-Conspirator 3 that he wanted to sell 3,500 ORGH shares at \$1.72 per share. Moments after Co-Conspirator 3 posted the offer from Magness, the Undercover Agent placed a buy order, purchasing the shares offered by Magness and completing the matched trade. STERRITT later confirmed with the Undercover Agent that the matched trade had been successful.

71. On or about May 28, 2020, Mark Ross had a consensually recorded conversation with the defendant RICHARD DALE STERRITT, JR. and the Undercover Agent in which they discussed the matched trading of ORGH stock. Ross and the Undercover Agent discussed engaging in matched trading of ORGH stock, including Ross obtaining trading authorization for ORGH shares held by Legal Metrics. On that call, Ross complimented the Undercover Agent's matched trading, stating that he " like(d) [the Undercover Agent' s] work so far. I mean I - it's been flawless - what you've been doing, is just perfect. Perfect."

72. On or about May 29, 2020, following conversations with the defendant RICHARD DALE STERRITT, JR., Robert Magness and Mark Ross, Magness signed paperwork granting Ross trading authority for stocks owned by Legal Metrics. On or about the same day, May 29, 2020, Ross, following discussions with STERRITT, agreed to trade a pre-arranged number of ORGH

shares at a pre-arranged price. In a consensually recorded call, Ross told the Undercover Agent, "I told [Co-Conspirator 3] before at 165. I just got to tell him to put it in." In response, the Undercover Agent stated, "I'll bid for it at a buck sixty-five and we'll take you guys out," to which Ross responded " terrific."

73. Later the same day, on or about May 29, 2020, Legal Metrics, through trades instigated by Mark Ross, sold more than 3,000 shares of ORGH via a matched trade to the Undercover Agent at a price of \$1.65 per share.

74. On or about May 29, 2020, Robert Magness transferred some of the proceeds of the matched trading, which totaled more than \$24,000 from an account at the Brokerage Firm in the name of Legal Metrics to bank accounts at Legal Metrics controlled by the defendant RICHARD DALE STERRITT, JR. and Magness. STERRITT and Magness spent the proceeds of the matched trading on personal expenses.

75. On or about June 1, 2020, the United States Securities and Exchange Commission (the "SEC") suspended trading in ORGH securities for a period of ten days.

76. On or about June 7, 2020, after the SEC suspended trading in ORGH securities, Robert Magness left New York, New York and flew from the Eastern District of New York to Dallas, Texas to meet with the defendant RICHARD DALE STERRITT, JR. and discuss how to conceal the fraudulent matched trading. During that meeting, Magness stated that the "only way [the matched trading] could ever come back" and be traced to the conspirators was if authorities realized that there were communications between the Undercover Agent, STERRITT and Magness about coordinating the matched trading.

77. Throughout the ORGH Market Manipulation, the defendant RICHARD DALE STERRITT, JR. and Mark Ross used pre-paid cellular telephones to communicate and engage in the matched trading of ORGH stock under the belief that their conversations would not be recorded. STERRITT further told the Undercover Agent that he was going to send him an encrypted cellular telephone and instructed him to use it to engage in matched trading, but never actually sent the encrypted telephone.

ii. Fraudulent Kickbacks to the Undercover Agent

78. As part of the fraudulent matched trading in ORGH stock, the defendant RICHARD DALE STERRITT, JR., Michael Greer, Robert Magness and Mark Ross agreed to make hidden kickback payments to the Undercover Agent in exchange for the placement of fraudulently inflated ORGH shares with the purported clients of brokers working for the Undercover Agent. STERRITT, Greer, Magness and Ross agreed that the Undercover Agent would be paid 35 percent of the value of the trades as a kickback for engaging in the fraudulent matched trading.

79. On or about April 15, 2020, the defendant RICHARD DALE STERRITT, JR. stated to the Undercover Agent that he would disguise the kickback payments as “marketing fees.” STERRITT later stated he would explain communications with the Undercover Agent about the matched trading as communications related to a business to sell facemasks during the COVID-19 pandemic, a business with which the Undercover Agent had never suggested he was involved. STERRITT further suggested to the Undercover Agent that he might make the kickback payments in the cryptocurrency Bitcoin because it would be the safest way to conceal the payments.

80. On or about May 26, 2020, the defendant RICHARD DALE STERRITT, JR. and Michael Greer sent a wire payment of \$2,650 to the Undercover Agent at a bank account in the Eastern District of New York as a kickback for engaging in the matched trading scheme. In addition, on or about May 29, 2020, STERRITT and Greer sent a wire payment of \$7,800 to the Undercover Agent at a bank account in the Eastern District of New York as a kickback for engaging in the matched trading scheme.

iii. Attempted ERFB Stock Manipulation

81. After the SEC suspended trading in ORGH, the defendant RICHARD DALE STERRITT, JR. engaged in a similar offering fraud and market manipulation scheme involving ERFB stock. As with ORGH, STERRITT secretly controlled ERFB through a web of nominee shareholders who were his close friends, family and co-conspirators.

82. As detailed above, in or about June 2020, Zona Energy and ERFB completed a share exchange in which Zona Energy investors received ERFB shares and a subsidiary of ERFB acquired Zona Energy.

83. On or about November 19, 2020, ERFB applied to FINRA for authorization to complete a 10,000:1 reverse stock split of ERFB's outstanding stock and a name change to "Zona." That application was denied by FINRA on or about January 28, 2021, with FTNRA citing ERFB's failure to remain current in its reporting requirements and a prior cease-and-desist order. Nonetheless, the same day, ERFB issued a press release announcing the reverse split of its common stock that FINRA had just denied.

84. On or about and between June 9, 2020 and January 30, 2021, the defendant RICHARD DALE STERRITT, JR. discussed plans with the Undercover Agent to begin matched trading in ERFB stock after the reverse stock split was completed.

85. On or about June 9, 2020, just days after the SEC halted trading in ORGH stock, the defendant RICHARD DALE STERRITT, JR. had a consensually recorded telephone call with the Undercover Agent in which STERRITT and the Undercover Agent discussed engaging in fraudulent securities schemes, including a similar matched trading scheme involving ERFB shares.

86. On or about November 30, 2020, the defendant RICHARD DALE STERRITT, JR. participated in two consensually recorded telephone calls with the Undercover Agent to discuss potential matched trading in ERFB stock. STERRITT claimed to the Undercover Agent that the contemplated stock manipulation scheme could cause ERFB 's stock price to increase to \$60 to \$100 per share. STERRITT further told the Undercover Agent that ERFB had filed the required paperwork for the reverse split ten days earlier and claimed that after the reverse split, the outstanding shares of ERFB would be reduced. STERRITT stated that this would make it easier to engage in successful matched trading because, following the reverse split, no individual shareholder besides STERRITT would own more than 500 tractable shares of ERFB. As a result, STERRITT stated that he and the Undercover Agent would engage in matched trades in blocks of 10,000 to 20,000 shares, which would ensure that the shares would properly cross to one another. STERRITT told the Undercover Agent that he himself would be doing the trading with shares he controlled and agreed to again provide a kickback of 35 percent to the Undercover Agent.

87. On or about December 10, 2020, the defendant RICHARD DALE STERRITT, JR. told the Undercover Agent that it was important to him that the Undercover Agent's corrupt brokers retain the stock for an extended period of time to maintain the stock price. STERRITT stated that he needed the stock price of ERFB to hold steady so that he could use the stock as a valuable currency to make acquisitions.

88. On or about January 30, 2021, the defendant RICHARD DALE STERRITT, JR. told the Undercover Agent again that he planned to use ERFB stock as currency to acquire assets and had already identified companies that he would like to buy. STERRITT stated that he planned on making the acquisition once the manipulated stock reached \$40 to \$50 dollars per share, and again told the Undercover Agent that he needed his corrupt brokers to hold the ERFB stock for at least a year for STERRITT to be able to make the planned acquisitions.

89. On or about February 4, 2021, the SEC suspended trading in ERFB stock. The next day, on or about February 5, 2021, ERFB issued a press release claiming that "the reverse split did not happen as anticipated and reported by the Company due to inaccurate advice from an outside technical advisor. This error has also caused a ten-day trading halt as directed by the SEC." These statements were false. FINRA denied the reverse split for the reasons in its release, not because of inaccurate advice from a technical advisor. Moreover, as the SEC

noted when it suspended trading in ERFB, the suspension was because of questions regarding the accuracy of information in the marketplace.

COUNT ONE

(Conspiracy to Commit Securities Fraud)

90. The allegations contained in paragraphs one through 89 are realleged and incorporated as if fully set forth in this paragraph.

91. In or about and between March 2018 and February 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with others, did knowingly and willfully conspire to use and employ one or more manipulative and deceptive devices and contrivances, contrary to Rule 10b-5 of the Rules and Regulations of the United States Securities and Exchange Commission, Title 17, Code of Federal Regulations, Section 240.10b-5, by: (i) employing one or more devices, schemes and artifices to defraud; (ii) making one or more untrue statements of material fact and omitting to state one or more material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; and (iii) engaging in one or more acts, practices and courses of business which would and did operate as a fraud and deceit upon one or more investors and potential investors in Zona Energy and ORGH, in connection with the purchase and sale of investments in Zona Energy and ORGH, directly and indirectly, by use of means and instrumentalities of interstate commerce and the mails, contrary to Title 15, United States Code, Sections 78j(b) and 78ff.

92. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with others, did commit and cause the commission of, among others, at least one of the following:

OVERT ACTS

(a) On or about October 10, 2018, PITTMAN texted STERRITT, "our agreement was 7% of total catch, 50% in shares and 50% in fishes. We can defer the fishes he said but wants shares issued next week. It works to play to his ego, trust me. I know people."

(b) On or about October 20, 2018, Richman Energy transferred one million shares of Zona Energy to an entity controlled by PITTMAN in exchange for \$100.

(c) In or about January 2019, accounts controlled by STERRITT received deposits for the purchase of Zona Energy shares totaling nearly \$3.4 million.

(d) In or about January 2019, STERRITT misappropriated Zona Energy investor funds by transferring over \$2.7 million to Greer, the defendant ROBYN STRAZA and others, for personal expenses and luxury items.

(e) On or about February 12, 2020, PITTMAN wrote STERRITT: "Dearest Richard (aka Dale Sterritt, Jr.), in consideration of your agreement to deposit 1MM additional shares of [Zona Energy], together with 5MM shares of [ORGH], into an entity to be controlled by James Christopher Pittman, I do hereby agree not to request any additional shares in either of those entities, except in connection with any employment "

(f) On or about March 30, 2020, Richman Energy transferred one million shares of Zona Energy to an entity controlled by PITTMAN in exchange for \$100.

(g) On or about March 30, 2020, STERRITT informed the Undercover Agent on a consensually recorded telephone call that he could control the trading in ORGH shares because he had "hundred percent control" over the ORGH shares deposited at the Brokerage Firm.

(h) On or about April 15, 2020, STERRITT informed the Undercover Agent that he intended to sell 40 to 50 million shares of ORGH that he controlled through his nominees at a target price of \$2.00 per share, which far exceeded the prior share price for ORGH stock.

(i) On or about April 15, 2020, STERRITT indicated to the Undercover Agent that he agreed to engage in a series of smaller, test matched trades of ORGH stock to ensure they could properly execute the matched trades before trading tens of millions of shares.

(j) On or about April 15, 2020, STERRITT stated to the Undercover Agent on a telephone call that he would disguise kickback payments to the Undercover Agent as "marketing fees ."

(k) On or about May 19, 2020, Magness agreed with STERRITT, on a consensually recorded conference call, to first make a series of smaller, test matched trades to ensure the mechanics of the trading functioned properly, before moving on to trade more than \$100 million of ORGH stock.

(l) On or about May 19, 2020, STERRITT and Magness agreed, on a consensually recorded conference call, to trade a specific number of ORGH shares and the price at which those shares would be traded.

(m) On or about May 19, 2020, Magness, Co-Conspirator 3 and the Undercover Agent completed a pre-arranged matched trade of ORGH shares.

(n) On or about May 26, 2020, STERRITT and Greer sent a wire payment of \$2,650 to the Undercover Agent at a bank account in the Eastern District of New York as a kickback for engaging in the ORGH matched trading scheme.

(o) On or about May 28, 2020, Magness, Co-Conspirator 3 and the Undercover Agent completed a matched trade of ORGH shares, which STERRITT later confirmed with the Undercover Agent.

(p) On or about May 29, 2020, following conversations with STERRITT, Magness signed paperwork granting Ross trading authority for stock owned by Legal Metrics.

(q) On or about May 29, 2020, following conversations with STERRITT, Ross indicated that he agreed with the Undercover Agent to complete a matched trade of ORGH shares.

(r) On or about May 29, 2020, STERRITT and Greer sent a wire payment of \$7,800 to the Undercover Agent at a bank account in the Eastern District of New York as a kickback for engaging in the ORGH matched trading scheme.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT TWO

(Conspiracy to Commit Wire Fraud)

93. The allegations contained in paragraphs one through 89 are realleged and incorporated as if fully set forth in this paragraph.

94. In or about and between March 2018 and January 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants RICHARD DALE STERRITT, JR., also known as "Richard Richman," and JAMES CHRISTOPHER PITTMAN, together with others, did knowingly and intentionally conspire to devise a scheme and artifice to defraud one or more investors and potential investors in Zona Energy and ORGH, and to obtain money and property from them by means of one or more materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce writings, signs, signals, pictures and sounds, contrary to Title 18, United States Code, Section 1343.

(Title 18, United States Code, Sections 1349 and 3551 et seq.)

COUNT THREE

(Securities Fraud - The Zona Energy Scheme)

95. The allegations contained in paragraphs one through 89 are realleged and incorporated as if fully set forth in this paragraph.

96. In or about and between March 2018 and January 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants RICHARD DALE STERRITT, JR., also known as "Richard Richman," and JAMES CHRISTOPHER PITTMAN, together with others, did knowingly and willfully use and employ one or more manipulative and deceptive devices and contrivances, contrary to Rule 10b-5 of the Rules and Regulations of the United States Securities and Exchange Commission, Title 17, Code of Federal Regulations, Section 240.10b-5, by: (a) employing one or more devices, schemes and artifices to defraud; (b) making one or more untrue statements of material fact and omitting to state one or more material facts necessary in order to make the statements made, in light of the circumstances in which they were made, not misleading; and (c) engaging in one or more acts, practices and courses of business which would and did operate as a fraud and deceit upon one or more investors and potential investors in Zona Energy, in connection with the purchase and sale of investments in Zona Energy, directly and indirectly, by use of means and instrumentalities of interstate commerce and the mails.

(Title 15, United States Code, Sections 78j(b) and 78ff; Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FOUR

(Securities Fraud - The ORGH Stock Manipulation Scheme)

97. The allegations contained in paragraphs one through 89 are realleged and incorporated as if fully set forth in this paragraph.

98. In or about and between February 2020 and June 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RICHARD DALE STERRITT, JR., also known as "Richard Richman," together with others, did knowingly and willfully use and employ one or more manipulative and deceptive devices and contrivances, contrary to Rule 10b-5 of the Rules and Regulations of the United States Securities and Exchange Commission, Title 17, Code of Federal Regulations, Section 240.10b-5, by: (a) employing one or more devices, schemes and artifices to defraud; (b) making one or more untrue statements of material fact and omitting to state one or more material facts necessary in order to make the statements made, in light of the circumstances in which they were made, not misleading; and (c) engaging in one or more acts, practices and courses of business which would and did operate as a fraud and deceit upon one or more investors and potential investors in ORGH, in

connection with the purchase and sale of investments in ORGH, directly and indirectly, by use of means and instrumentalities of interstate commerce and the mails.

(Title 15, United States Code, Sections 78j(b) and 78ff; Title 18, United States Code, Sections 2 and 355 et seq.)

COUNT FIVE

(Conspiracy to Commit Money Laundering)

99. The allegations contained in paragraphs one through 89 are realleged and incorporated as if fully set forth in this paragraph.

100. In or about and between March 2018 and February 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants RICHARD DALE STERRITT, JR., also known as "Richard Richman," and ROBYN STRAZA, together with others, did knowingly and intentionally conspire to engage in monetary transactions, to wit: deposits, withdrawals and transfers of funds and monetary instruments, in and affecting interstate commerce, by, through and to one or more financial institutions, in criminally derived property that was of a value greater than \$10,000 and that was derived from one or more specified unlawful activities, to wit: conspiracy to commit securities fraud, contrary to Title 18, United States Code, Section 371 and fraud in the sale of securities, contrary to Title 15, United States Code, Sections 78j(b) and 78ff, all contrary to Title 18, United States Code, Section 1957(a).

(Title 18, United States Code, Sections 1956(h) and 3551 et seq.)

...

4. On or about September 19, 2025, a Judgment in a Criminal Case (Exhibit 2) was entered in Cause No. 1:21-CR-00193-KAM, styled *United States of America v. James Christopher Pittman*, in the United States District Court, Eastern District of New York, wherein Respondent pleaded guilty to Counts 1 and 2 of a five-count Superseding Indictment (not named in Counts 4 and 5) as follows: Count 1S, Conspiracy to Commit Securities Fraud, Class D Felony in violation of 18 U.S.C. § 371, and Count 2S, Conspiracy to Commit Wire Fraud, Class C Felony in violation of 18 U.S.C. § 1349, 1343. The Respondent was sentenced to probation for a term of five (5) years.

As additional Special Conditions of Supervision Respondent was further ordered to pay restitution in the amount of \$16,341,343.00.

5. Respondent, James Christopher Pittman, whose bar card number is 24013337, is the same person as the James Christopher Pittman who is the subject of the Superseding Indictment and Judgment in a Criminal Case, described above. True and correct copies of the Superseding Indictment and Judgment in a Criminal Case are attached to this Petition for Compulsory Discipline as Exhibits 1 and 2.

6. Attached hereto as Exhibit 3 is a true and correct copy of an affidavit of Ramiro Canales, Attorney of Record for the Commission herein, attesting to the fact that Respondent is the same person as the person who is the subject of the Superseding Indictment and Judgment in a Criminal Case, entered in Cause No. 1:21-CR-00193-KAM, styled *United States of America v. James Christopher Pittman*. The Commission expects to introduce the original of said affidavit at the time of hearing of this cause.

7. The offense for which Respondent was convicted is an Intentional Crime (as defined by Rule 1.06(V) of the Texas Rules of Disciplinary Procedure). Respondent's offense is also a Serious Crime (as defined by Rule 1.06(GG) of the Texas Rules of Disciplinary Procedure) requiring knowledge or intent as an essential element.

8. Having pled guilty to an Intentional Crime, and such judgment being final, Respondent is subject to compulsory discipline as provided in Part VIII of the Texas Rules of Disciplinary Procedure.

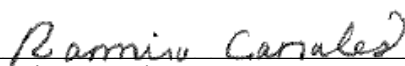
PRAYER

WHEREFORE, PREMISES CONSIDERED, the Commission prays that Respondent be given notice of these proceedings as provided by law and, upon hearing of this matter, that the Board enter an order imposing compulsory discipline on Respondent and for such other and further relief to which the Commission may be entitled to receive.

Respectfully submitted,

Seana Willing
Chief Disciplinary Counsel

Ramiro Canales
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
STATE BAR OF TEXAS
P.O. Box 12487, Capitol Station
Austin, Texas 78711-2487
Telephone: 512.427.1350
Facsimile: 512.427.4253
Email: ramiro.canales@texasbar.com

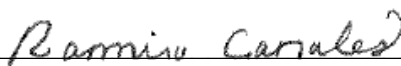


Ramiro Canales
State Bar Card No. 24012377

ATTORNEYS FOR THE COMMISSION

CERTIFICATE OF SERVICE

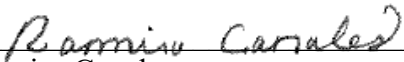
I hereby certify that a true and correct copy of the foregoing instrument has been sent for service on James Christopher Pittman, c/o Daniel P. Garrigan, 3811 Turtle Creek Blvd., Ste. 175, Dallas, Texas 75219, via email to dgarrigan@garriganlaw.com on this 6th day of May, 2026.



Ramiro Canales

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a trial on the merits of the Petition for Compulsory Discipline heretofore sent to be filed with the Board of Disciplinary Appeals on this day, will be held in the courtroom of the Supreme Court of Texas, Tom C. Clark Building, 14th and Colorado Streets, Austin, Texas, at 9:00 a.m. on the **31st day of July, 2026**. The Board of Disciplinary Appeals will notify the parties of any changes to the hearing location or format.



Ramiro Canales

AFFIDAVIT

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Ramiro Canales, the Commission's attorney of record, who, being by me duly sworn, deposed as follows:

“My name is Ramiro Canales. I am over the age of 18 years, of sound mind, capable of making this affidavit, and state the following:

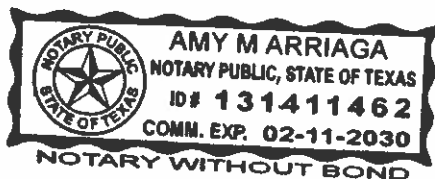
Based upon information and belief, James Christopher Pittman, whose Texas Bar Card Number is 24013337, is licensed as an attorney and counselor at law in the State of Texas. Based upon information and belief, James Christopher Pittman, named as Respondent in the Petition for Compulsory Discipline filed with the Board of Disciplinary Appeals is one and the same person as the James Christopher Pittman who is the subject of the Judgment in a Criminal Case entered in Cause No. 1:21-CR-00193-KAM, styled *United States of America v. James Christopher Pittman*, in the United States District Court, Eastern District of New York, Brooklyn Office, wherein Respondent pleaded guilty to Counts 1 and 2 of a five-count Superseding Indictment (not named in Counts 4 and 5) as follows: Count 1S, Conspiracy to Commit Securities Fraud, Class D Felony in violation of 18 U.S.C. § 371, and Count 2S, Conspiracy to Commit Wire Fraud, Class C Felony in violation of 18 U.S.C. § 1349, 1343.

The defendant was sentenced to probation for a term of five (5) years in accordance with the standard and special conditions of probation. One of the Special Conditions of Supervision was payment of restitution in the amount of \$16,341,343.00.”

FURTHER Affiant saith not.

Ramiro Canales
Ramiro Canales

SWORN AND SUBSCRIBED before me on the 6th day of May 2026.



Amy M. Arriaga
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

DCP:SME/NMA/JOE
F. #2019R01653

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

RICHARD DALE STERRITT, JR.,
also known as "Richard Richman,"
JAMES CHRISTOPHER PITTMAN and
ROBYN STRAZA,

Defendants.
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THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Superseding Indictment, unless otherwise indicated:

I. Background

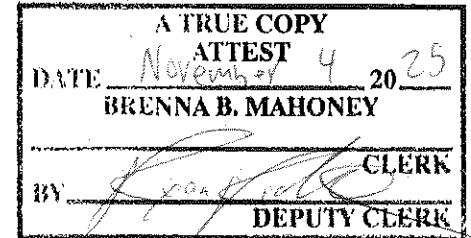
A. The Corrupt Companies and Related Entities

1. Zona Energy Inc. ("Zona Energy") was a company incorporated in the State of Texas and controlled by the defendant RICHARD DALE STERRITT, JR., also known as "Richard Richman." The defendant JAMES CHRISTOPHER PITTMAN was a director and registered agent of Zona Energy. Zona Energy described its business as "a portfolio company of a family office focused on a generational opportunity in the independent oil and natural gas industry focused on the acquisition, development, exploration and exploitation of unconventional, onshore oil and natural gas reserves in the Permian Basin in West Texas." On or about June 29, 2020, a wholly owned subsidiary of the entity ERF Wireless, Inc., defined

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SUPERSEDING
INDICTMENT

Cr. No. 21-193 (S-1) (KAM)
(T. 15, U.S.C., §§ 78j(b) and 78ff; T. 18,
U.S.C., §§ 371, 981(a)(1)(C), 982(a)(1),
982(b)(1), 1349, 1956(h), 2 and 3551 et
seq.; T. 21, U.S.C., § 853(p); T. 28,
U.S.C. § 2461(c))



EXHIBIT

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below, announced that it had completed a share exchange with Zona Energy whereby Zona Energy shareholders received shares of ERF Wireless, Inc.. After the share exchange, Zona Energy ceased to exist as a separate corporation.

2. Richman Energy, Inc. ("Richman Energy") was a company incorporated in the State of Texas and controlled by the defendant RICHARD DALE STERRITT, JR.

3. The Richman Organization, Inc. ("Richman Organization") was a company incorporated in the State of Texas and controlled by the defendant RICHARD DALE STERRITT, JR.

4. Le Cle Minerals, Inc. ("Le Cle Minerals") was a company incorporated in the State of Texas and controlled by the defendant RICHARD DALE STERRITT, JR.

5. Legal Metrics Services, Inc. ("Legal Metrics") was a company incorporated in the State of Texas and controlled by the defendant RICHARD DALE STERRITT, JR.

6. Accordant Services, Inc. ("Accordant") was a company incorporated in the State of Texas and controlled by the defendant RICHARD DALE STERRITT, JR. Accordant purported to provide services to Zona Energy.

7. OrgHarvest Inc. ("ORGH") was a company originally incorporated in the State of Delaware in or about 1997. In or about July 2018, after multiple business and name changes, ORGH adopted the name "OrgHarvest, Inc." and announced plans to produce cannabis products. At all times relevant to this Superseding Indictment, ORGH had its principal place of business in Dallas, Texas and was controlled by the defendant RICHARD DALE STERRITT, JR. In or about January 2020, the defendant JAMES CHRISTOPHER PITTMAN became a

director of ORGH. Until in or about June 2020, ORGH's common stock was quoted on OTC Link under the ticker symbol ORGH.

8. ERF Wireless, Inc. ("ERFB") was originally incorporated in the State of Texas under the name FleetClean Systems, Inc. In or about 2004, ERFB changed its name to ERF Wireless, Inc. and moved its state of incorporation to Nevada. ERFB purported to provide wireless communications products and services, specifically to the oil and gas industry. At all times relevant to this Superseding Indictment, ERFB had its principal place of business in Dallas, Texas and was controlled by the defendant RICHARD DALE STERRITT, JR. As noted above, in or about June 2020, a subsidiary of ERFB entered into a share exchange with Zona Energy.

9. The Brokerage Firm, an entity the identity of which is known to the Grand Jury, was a registered broker-dealer based in Salt Lake City, Utah.

B. The Defendants and Relevant Co-Conspirators

10. The defendant RICHARD DALE STERRITT, JR. was a resident of the State of Texas and an undisclosed control person of multiple entities related to the Fraudulent Schemes (as defined below), including Zona Energy, ERFB, ORGH, Accordant, Legal Metrics, Richman Energy, the Richman Organization and others. In or about April 2003, STERRITT was convicted in the United States District Court for the Northern District of Texas of conspiracy to commit securities fraud and was sentenced to five years' imprisonment. In connection with the Fraudulent Schemes, STERRITT held himself out as "Richard Richman" and did not disclose his true identity or criminal background to investors in Zona Energy or ORGH.

11. The defendant JAMES CHRISTOPHER PITTMAN was a resident of the State of Texas, a real estate lawyer and a close associate of the defendant RICHARD DALE

STERRITT, JR. PITTMAN was a director and shareholder of Zona Energy and a director of ORGH.

12. The defendant ROBYN STRAZA was a resident of the State of Texas and the ex-wife of the defendant RICHARD DALE STERRITT, JR. STRAZA was the nominal controlling shareholder of Le Cle Minerals and, at all times relevant to this Superseding Indictment, the President of Le Cle Minerals.

13. Michael Greer was a resident of the State of Texas and an acquaintance of the defendant RICHARD DALE STERRITT, JR. Greer was a Vice President of Accordant and a nominee shareholder of both Zona Energy and ORGH.

14. Robert Magness was a resident of New York, New York and owned a clothing store in New York, New York. Magness was a nominee member of the Board of Directors for Zona Energy, as well as the President of Legal Metrics and a member of its Board of Directors. Magness was also the nominee shareholder of ORGH stock that was controlled by the defendant RICHARD DALE STERRITT, JR.

15. Mark Ross was a resident of the State of Florida and an associate of the defendant RICHARD DALE STERRITT, JR. Ross was a principal of a brokerage firm that was shut down by the Financial Industry Regulatory Authority ("FINRA") in or about 2007 for, among other things, systemic violations of anti-money laundering rules.

16. Co-Conspirator 1, an individual whose identity is known to the Grand Jury, held a number of high-level positions at Richman Energy and Legal Metrics, was an employee of Accordant and was a close confidant of the defendant RICHARD DALE STERRITT, JR.

17. Co-Conspirator 2, an individual whose identity is known to the Grand Jury, held a number of high-level positions at Zona Energy, was a member of the Board of Directors of Richman Energy and was a close confident of the defendant RICHARD DALE STERRITT, JR.

18. Co-Conspirator 3, an individual whose identity is known to the Grand Jury, was a registered broker at the Brokerage Firm.

C. Relevant Principles and Definitions

19. “Demand notes” were loans without a fixed term of repayment schedule that can ordinarily be recalled at the loaner’s request.

20. “Over-the-counter” (“OTC”) referred to the process by which securities of public companies that were not listed on a centralized exchange, such as the New York Stock Exchange or NASDAQ, were traded. OTC trades occurred over a broker-dealer network. Penny stocks were typically traded OTC.

21. “Matched trades” were the simultaneous purchase and sale of securities by parties that coordinated with each other as to the price and size of the trades. For example, a matched trade took place when Investor A bought 100 shares at \$5.00 per share of Company A through a broker, while Investor B, who coordinated with Investor A, simultaneously sold 100 shares at \$5.00 per share of Company A through a broker. Matched trades were used to create the false appearance that the stock price and/or trading volume increased as a result of genuine market demand for the securities.

II. The Fraudulent Schemes

22. In or about and between March 2018 and January 2021, both dates being approximate and inclusive, the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with Michael Greer, Robert Magness, Mark Ross and others, devised and engaged in a series of related fraudulent schemes in which they agreed to

engage in an offering fraud in the securities of Zona Energy (the “Zona Energy Offering” or the “Zona Energy Offering Fraud”) and to manipulate the price and trading volume of publicly traded shares of ORGH (the “ORGH Market Manipulation,” and, together with the Zona Energy Offering or the Zona Energy Offering Fraud, the “Fraudulent Schemes”). In addition, STERRITT and the defendant ROBYN STRAZA, together with Greer, Magness and others, laundered the proceeds of the Fraudulent Schemes by facilitating financial transactions to conceal and promote the Fraudulent Schemes, including by transferring investor funds through a series of bank accounts controlled by the defendants.

A. The Zona Energy Offering Fraud

23. In or about and between March 2018 and January 2021, both dates being approximate and inclusive, the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with Michael Greer, Mark Ross and others, engaged in the Zona Energy Offering Fraud, which raised approximately \$16 million in investor funds through the sale of shares of Zona Energy and ERFB through a series of material misrepresentations and omissions regarding, *inter alia*, Zona Energy’s performance, use of investor funds and STERRITT’s background and involvement in Zona Energy. The conspirators then misappropriated the proceeds of the Zona Energy Offering Fraud by spending millions of dollars on luxury items, paying personal expenses and funneling funds into unrelated business endeavors.

i. The Zona Energy Sublease

24. The La Escalera Ranch (the “Ranch”) was a 220,000-acre working cattle ranch in the Permian Basin of West Texas, an area with oil and gas deposits. The owners of the

Ranch had, at various times relevant to this Superseding Indictment, leased mineral rights to third parties.

25. On or about April 14, 2018, Le Cle Minerals, an entity controlled by the defendant RICHARD DALE STERRITT, JR., agreed to lease mineral rights on the Ranch from a third-party lessee.

26. On or about April 15, 2018, Le Cle Minerals assigned the leasehold mineral rights to the Ranch to Richman Energy, another entity controlled by the defendant RICHARD DALE STERRITT, JR.

27. On or about May 30, 2018, Richman Energy assigned the same leasehold mineral rights interest to Zona Energy. As a part of that sublease, Zona Energy signed demand notes indebteding it to Richman Energy for approximately \$20 million. The terms of the original sublease signed by Le Cle Minerals, which was assumed by Zona Energy, required Zona Energy to do the following by August 31, 2018: (a) drill an initial well; (b) extend the lease agreement at a significant cost; or (c) pay liquidated damages. The terms of the sublease further obligated Zona Energy to maintain a continuous drilling program of at least two wells per year starting in 2019 and to make over \$12 million in acquisition payments by 2022 or be subject to immediate termination of the sublease.

ii. The Zona Energy Offering

28. Beginning in or about April 2018, the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with Robert Magness, Michael Greer, Mark Ross and others, began offering shares of Zona Energy and marketing those shares to investors and potential investors based on the leasehold interest in the Ranch.

29. The defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with Robert Magness, Mark Ross, Michael Greer and others, including individuals who helped market the stock (the “Promoters”), used a variety of materials to recruit investors to invest in the Zona Energy Offering. These materials included a packet of marketing materials (the “Zona Offering Summary”) and a promotional presentation (the “Zona Presentation”), collectively, the “Zona Offering Materials.” The Zona Offering Summary incorporated by reference the Zona Presentation. Specifically, STERRITT directed the Promoters to send the Zona Offering Summary to prospective investors, and, when investors expressed interest in purchasing Zona Energy stock, to provide the investors with the Zona Presentation.

30. The Promoters personally benefited from the offering scheme, as they received the option to buy Zona Energy shares at a discount in exchange for recruiting friends, family, coworkers and clients to invest. Many investors were not told that the Promoters were being compensated. For instance, the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN and at least one of the Promoters agreed that the Promoter would be compensated for their efforts to market the Zona Energy Offering. PITTMAN and STERRITT discussed this arrangement using code words, describing “[o]ur agreement” as “7% of total catch, 50% in shares and 50% in fishes.” PITTMAN also received shares of Zona Energy at a discount, including one million shares of Zona Energy transferred to an entity controlled by PITTMAN in or about October 2018 and another one million shares of Zona Energy transferred to an entity controlled by PITTMAN in or about March 2020. Later, in or about October 2020, the Richman Organization transferred four million shares in ERFB, Zona Energy’s successor company, to an entity controlled by PITTMAN.

31. The Zona Offering Materials included several false and misleading statements about the Zona Energy Offering, and omitted material information, including the following:

(a) The Zona Offering Summary and the Zona Presentation each described the offering as the initial sale of three million shares issued by Zona Energy at \$1.00 per share. However, as detailed below, many of the shares that were provided to investors were not issued by the company.

(b) The Zona Offering Summary and the Zona Presentation each stated that the proceeds of the offering would be used for “leasehold acquisitions and for other general business purposes.” Instead, as detailed below, the majority of the proceeds from the offering were not used for these purposes.

(c) The Zona Offering Summary and the Zona Presentation each failed to disclose the involvement in Zona Energy of the defendant RICHARD DALE STERRITT, JR., his control over the company and his prior criminal history.

(d) The Zona Offering Summary misrepresented the role of Zona Energy’s actual management, including a geologist who had been retained by the original lessor.

(e) The Zona Offering Summary misrepresented the commercial viability and cash flow prospects of the company.

32. The defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, along with Robert Magness, Michael Greer, Mark Ross and others, used the false and misleading Zona Offering Materials to recruit investors.

33. Once a prospective investor expressed an interest in purchasing shares of Zona Energy, the prospective investor was instructed to contact Co-Conspirator 2 to finalize the

investment. When corresponding with investors, Co-Conspirator 2 used an “@zonaenergy” email address and identified him/herself as Zona Energy’s Corporate Secretary. Furthermore, Co-Conspirator 2 was described in the Zona Offering Materials as Zona Energy’s “Director, Corporate Secretary, & Investor Relations.”

34. At the direction of the defendant RICHARD DALE STERRITT, JR., Co-Conspirator 2 sold shares of Zona Energy to investors not only directly from the company, but also from other entities that STERRITT controlled, including Richman Energy, and from Michael Greer. STERRITT further directed Co-Conspirator 1 to sign important documents as an officer and on behalf of the entities under STERRITT’s control that were selling the shares. Based on the Zona Offering Materials and statements by the Promoters and others, prospective investors believed that they were purchasing shares directly from Zona Energy.

35. To finalize the stock sales, Co-Conspirator 2, at the direction of the defendant RICHARD DALE STERRITT, JR., provided prospective investors with a securities purchase agreement for Zona Energy shares and wiring instructions for a bank account to deposit the purchase amount. The bank accounts that Co-Conspirator 2 provided to investors were often in the name of entities controlled by STERRITT, such as Richman Energy, the Richman Organization and others.

36. Contrary to the information provided to the investors in the Zona Offering Materials, the majority of the funds that were wired by investors to purchase Zona Energy stock were never sent to Zona Energy and were never used for Zona Energy’s corporate purposes. Instead, at the direction of the defendant RICHARD DALE STERRITT, JR., the funds were sent to entities controlled by STERRITT or directly to Michael Greer.

37. Co-Conspirator 1, who communicated with investors and prospective investors in Zona Energy, knew that the defendant RICHARD DALE STERRITT, JR. controlled the entities to which investors wired money and knew that some of the funds provided by investors were never sent to Zona Energy. Co-Conspirator 2 tracked the funds raised from the sale of Zona Energy shares in tracking spreadsheets that were reviewed by STERRITT, despite the fact that STERRITT had no disclosed role with Zona Energy.

38. In total, in or about and between March 2018 and November 2020, the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with Michael Greer, Robert Magness, Mark Ross and others, raised more than \$16 million from at least 300 investors in the Zona Energy Offering. Of that amount, only approximately \$800,000 was sent directly to Zona Energy; the remainder was sent to Greer or to entities controlled by STERRITT.

iii. Misappropriation of Investor Funds and the Scheme to Launder Proceeds of the Zona Energy Offering Fraud

39. As detailed above, investors and potential investors in Zona Energy were told by the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, Michael Greer, Robert Magness, Mark Ross and others that the investment funds they provided would be used to support Zona Energy's operations, specifically, to develop the oil and gas operations on the Ranch. The Zona Offering Materials were consistent with what the investors were told regarding how the investment proceeds would be used and stated that the proceeds of the stock sale would be used for "leasehold acquisitions and for other general business purposes" and "to fund legal and administrative expenses for this offering."

40. Instead of using investor funds to develop Zona Energy as represented in the Zona Offering Materials, the defendants RICHARD DALE STERRITT, JR. and ROBYN

STRAZA, together with Michael Greer, Mark Ross and others, misappropriated large portions of the investor funds raised in the Zona Energy Offering for their personal use or to send to other companies controlled by STERRITT that were not disclosed to investors in Zona Energy.

41. To facilitate the misappropriation of funds from the Zona Energy Offering, the defendants RICHARD DALE STERRITT, JR. and ROBYN STRAZA, together with Michael Greer, Mark Ross and others, engaged in a scheme to launder investor money from the sale of Zona Energy shares among and between bank accounts controlled by STERRITT, STRAZA and Greer, including accounts for Richman Energy, the Richman Organization, Accordant and Le Cle Minerals. In some cases, investor funds were wired between bank accounts for multiple entities in the name of STRAZA and Greer, or their entities, before they were used to pay personal expenses of STERRITT, STRAZA and Greer; to purchase luxury goods, including plastic surgery; or provide cash to STERRITT's family, friends and girlfriends and to Ross. Although a small percentage of investor funds that had been sent to STERRITT's entities were used for Zona Energy, significantly more funds were used to invest in unrelated businesses in which STERRITT had an interest, such as ORGH or ERFB. Ross and members of his immediate family received more than \$200,000 in cash from STERRITT-controlled entities. Some of those funds were provided to Ross by STERRITT-controlled entities pursuant to a sham consulting agreement, and it was not disclosed to investors recruited by Ross to purchase Zona Energy stock that Ross would receive payments out of investor funds.

42. For example, in or about January 2019, two bank accounts at Accordant and Richman Energy controlled by the defendant RICHARD DALE STERRITT, JR. and which had almost no money, received a series of deposits totaling nearly \$3.4 million from 83 investments for the purchase of Zona Energy shares. STERRITT misappropriated a majority of

those funds, including by transferring over \$2.6 million to accounts in the name of the defendant ROBYN STRAZA, approximately \$80,000 to Michael Greer and over \$80,000 to one of STERRITT's girlfriends and her family. STERRITT and Greer also used more than \$50,000 to purchase a Bentley, which was registered in Greer's name, and spent tens of thousands of dollars at restaurants and retailers.

43. Michael Greer also used funds provided by Zona Energy investors to finance unrelated businesses for the defendant RICHARD DALE STERRITT, JR., to wire cash to STERRITT's girlfriends, to withdraw cash and to make numerous purchases at restaurants and retail establishments. In addition, millions of dollars of Zona Energy investor funds were transferred through multiple accounts in the defendant ROBYN STRAZA's name and then used to purchase luxury items or finance unrelated projects. For example, on or about April 22, 2019, \$200,000 in Zona Energy investor funds were sent to an Accordant bank account controlled by STERRITT. On or about and between April 22, 2019 and April 23, 2019, the same Accordant bank account received a total of \$137,000 from a Richman Energy bank account. On or about April 23, 2019, \$300,000 was wired from the Accordant bank account to a bank account belonging to STRAZA at the same financial institution. On or about April 26, 2019, STRAZA transferred \$300,000 to a different account belonging to STRAZA at the same financial institution. On or about April 26, 2019, the same day as the prior transfer, \$275,000 was transferred from STRAZA's account to another account at a different financial institution to fund an unrelated project in the entertainment industry. STRAZA's account retained \$25,000 of the original Zona Energy investor funds.

44. On or about March 17, 2020, an investor in Zona Energy ("Investor-1," an individual whose identity is known to the Grand Jury) wired \$400,000 into a bank account for

the Richman Organization that was under the control of the defendant RICHARD DALE STERRITT, JR. and Michael Greer. Investor-1 believed that his/her investment would improve the oil and gas properties at Zona Energy and discussed the purpose of the investment with STERRITT. The next day, on or about March 18, 2020, Greer withdrew \$350,000 from the same bank account at the Richman Organization. That same day, \$350,000 was deposited into a bank account in the name of the defendant ROBYN STRAZA, and \$350,000 was then transferred from STRAZA's bank account to her account at a brokerage firm specializing in electronic trading. Thereafter, on or about and between March 18, 2020 and March 27, 2020, STRAZA purchased \$261,000 in stocks of publicly traded companies, including ERFB, ORGH, another cannabis company and large companies in the oil and gas sector. On or about March 23, 2020, STRAZA withdrew \$33,000 from her brokerage account and deposited it in a bank account in her name.

45. The defendant RICHARD DALE STERRITT, JR. also improperly used Zona Energy investor funds to further his other businesses, without disclosing to investors how those funds would be used. For example, STERRITT had asked another investor based in the Eastern District of New York ("Investor-2," an individual whose identity is known to the Grand Jury), who had previously invested in Zona Energy and was recruited by the defendant JAMES CHRISTOPHER PITTMAN to contribute funds to a cannabis company over which STERRITT was trying to gain control. Investor-2 declined to invest in the cannabis company. Nevertheless, in or about March 2020, after STERRITT and PITTMAN raised additional funds for Zona Energy from Investor-2, those funds were invested not in Zona Energy, but in First Seed Farms, another cannabis company controlled by STERRITT, without Investor-2's knowledge.

46. The fraudulent nature of the Zona Energy Offering and the misappropriation of Zona Energy investor funds was openly discussed among the defendants and their co-conspirators. For example, on or about November 7, 2019, a former employee of Zona Energy (the “Zona Energy Employee,” an individual whose identity is known to the Grand Jury) met with the defendant JAMES CHRISTOPHER PITTMAN, Robert Magness, Co-Conspirator 2 and a senior executive of Zona Energy. The Zona Energy Employee discussed with the other meeting attendees that Zona Energy investors were being lied to about the use of proceeds, that control exerted by the defendant RICHARD DALE STERRITT, JR. over the company was both improper and hidden from investors, and that STERRITT was misappropriating investor funds.

47. Similarly, on or about November 22, 2019, the Zona Energy Employee wrote an email to the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, Co-Conspirator 1, Co-Conspirator 2 and other Zona Energy employees that certain inter-company transfers of Zona Energy investor funds appeared to have “no notes or documentation,” that “no apparent business purpose existed as a rationale for such transfers,” and that “no true cash management protocols, nor internal controls...have been in place at the [sic] most if not all the Richman related companies.” The Zona Energy Employee also wrote that the situation was “so bad it looks intentional and nefarious.” STERRITT terminated the Zona Energy Employee’s employment less than a month after the email was sent.

48. On or about December 6, 2019, the defendant JAMES CHRISTOPHER PITTMAN, the Zona Energy Employee, Co-Conspirator 2, a senior executive of Zona Energy and others again discussed the defendant RICHARD DALE STERRITT, JR.’s misappropriation of investor funds. On the call, PITTMAN stated the following to the senior Zona Energy executive: “I see what’s going on behind the scenes in these financials. I don’t even want to say

it. It starts with a P word. It's robbing Peter to pay Paul. It's shell games. It's everything you read about on . . . what's that show . . . American Greed."

iv. The "Catfishing Email" and the Cover Up of Sterritt's Criminal Past and Misappropriation

49. The defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with Ross, Magness, Co-Conspirator 1, Co-Conspirator 2 and others, concealed STERRITT's prior criminal history and misappropriation of investor funds and continued to raise money from investors.

50. For instance, in or about January 2020, the Zona Energy Employee emailed a number of Zona Energy investors and disclosed the defendant RICHARD DALE STERRITT, JR.'s prior criminal history and attached a photocopy of STERRITT's driver's license with his real name (the "Catfishing Email"). Among other things, the email asked investors, rhetorically: "Did you buy your Zona stock from Richard Richman and his company Richman Energy or Accordant Services or some other entity on the promise that the money would directly benefit Zona? Do you know where your money went?" "If Richard Richman is really Richard Dale Sterritt, do you know whether he has a federal felony conviction for conspiracy to commit securities fraud and file false tax returns?" "[H]ave we all been 'catfished?' Is this 'business catfishing'?"

51. In response, the defendant RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with others, provided materially false and misleading information to investors. On or about January 22, 2020, the Zona Energy Board of Directors, which included PITTMAN, sent an email to Zona Energy's investors, claiming, among other things, that "Mr. Richman," i.e. STERRITT, "does not participate in the management of Zona," when in fact STERRITT exercised control over Zona Energy.

52. The defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN and others falsely claimed to investors that STERRITT's prior conviction was related to tax violations, when in truth STERRITT was convicted of conspiracy to commit securities fraud. STERRITT, PITTMAN and others also did not disclose to investors that much of the money raised for Zona Energy had been misappropriated by STERRITT and others, that Zona Energy had failed to meet the conditions of its sublease in the Ranch, or that a Zona Energy contractor had sent the company a demand notice for more than \$1.3 million in unpaid invoices. For instance, on or about January 27, 2020, in response to questions from an investor, PITTMAN wrote, "Yes his name is Richard Sterritt and he did a dba [doing business as] to protect the asset. As of today we have never been better positioned with the management and future management team and interested drilling partnerships."

53. In fact, the defendant JAMES CHRISTOPHER PITTMAN had known about and concealed from investors the defendant RICHARD DALE STERRITT, JR.'s criminal past as early as in or about September 2018. On or about September 19, 2018, PITTMAN had received an email (the "Anonymous Email") from an anonymous email account stating that STERRITT was "guilty for securities fraud, money laundering and filing false tax returns." The Anonymous Email further stated that "Sterritt (Richard Richman) [was] sentenced to prison" and included a hyperlink to a Fifth Circuit court opinion denying STERRITT's appeal of his criminal conviction. The same day, PITTMAN forwarded the Anonymous Email to STERRITT, writing: "I just received this email from a sender using some anonymous email address. What the heck is all this about. And is someone trying to sabotage this deal?"

54. The defendant RICHARD DALE STERRITT, JR. also used investor funds from Zona Energy to fund payments to dissatisfied earlier investors. For example, in or

about January 2020, after learning of STERRITT's prior criminal history and real name, an investor ("Investor-3," an individual whose identity is known to the Grand Jury) confronted STERRITT and the defendant JAMES CHRISTOPHER PITTMAN and demanded the return of his/her \$30,000 Zona Energy investment. In or about March 2020, at PITTMAN's urging, STERRITT repaid Investor-3. STERRITT used new investor funds to return \$30,000, plus interest, to Investor-3.

55. In or about and between January 2020 and November 2020, the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with Mark Ross and others, raised at least \$2 million for Zona Energy from new and existing investors, despite the fact that by that point Zona Energy had produced no revenue from drilling and was in default of its sublease. Most of this money was also misappropriated by STERRITT and his co-conspirators.

56. In total, despite raising approximately \$16 million by approximately November 2020, Zona Energy failed to meet the terms of its sublease, in particular by failing to drill two wells per year and failing to meet the annual acreage acquisition required by the sublease to maintain the mineral rights in the Ranch. Rather, less than \$5 million of investor funds (comprised of the approximately \$800,000 in investor funds that were sent directly to Zona Energy and additional investor funds that were funneled to and through other entities controlled by the defendant RICHARD DALE STERRITT, JR.) were used to drill a single "scientific" well. The well was never completed, never produced any oil or natural gas and never connected to a pipeline, though the fact that some drilling had occurred was used to raise additional money from investors. The well's vendors have since sued Zona Energy and its operator for at least \$163,000 of unpaid invoices.

B. The ORGH Market Manipulation Scheme

57. In or about and between February 2020 and June 2020, both dates being approximate and inclusive, the defendant RICHARD DALE STERRITT, JR., together with Robert Magness, Mark Ross and others, engaged in a market manipulation scheme involving ORGH stock. The conspirators engaged in matched trading to artificially inflate the price of ORGH shares, and coordinated those ORGH trades with a law enforcement agent posing as a corrupt stock promoter (the “Undercover Agent”), who they believed controlled a team of corrupt brokers who would buy the artificially inflated ORGH stock in their customers’ accounts.

58. As detailed above, the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with others, concealed from Zona Energy investors STERRITT’s prior criminal history, STERRITT’s role in the company, and the fact that STERRITT and his co-conspirators had spent most of the money raised from Zona Energy investors on personal expenses and other businesses. In a further attempt to raise revenue and hide the misappropriation from and true financial condition of Zona Energy, STERRITT and his co-conspirators decided to execute a reverse merger between Zona Energy and a public company that was traded OTC, which they could use to manipulate the shares they would acquire through swaps of private Zona Energy shares for those of the intended reverse merger target.

59. At least as early as 2018, the defendant RICHARD DALE STERRITT, JR. and his co-conspirators had told investors and potential investors in Zona Energy that the company’s long-term plan was to take Zona Energy public so that the investors could sell their Zona Energy shares and make a profit. Indeed, the Zona Offering Summary described the “Path to Development” for the company as a “share exchange of Zona shareholders by [sic] publicly traded company.” Over the course of the next two-and-a-half years, Zona Energy investors

were informed of at least three public companies as possible merger candidates, including ORGH and ERFB, both companies that STERRITT secretly controlled.

60. In or about January 2020, the defendant RICHARD DALE STERRITT, JR. gained control of ORGH when several entities and trusts set up in the name of STERRITT's family members, close friends and co-conspirators tendered Zona Energy shares to the previous shareholders of ORGH in exchange for ORGH shares. For instance, the defendant JAMES CHRISTOPHER PITTMAN was the sole director and Chief Executive Officer of an entity that, on or about January 30, 2020, converted approximately 25,000 Zona Energy shares into approximately two million ORGH shares. PITTMAN also became a director of ORGH in late January 2020. Co-Conspirator 2 subsequently created a spreadsheet for STERRITT that tracked the shares owned by the various entities and individuals under STERRITT's control. Those shares comprised the majority of outstanding ORGH stock.

61. One of the entities that acquired shares of ORGH was Legal Metrics, of which Robert Magness and Co-Conspirator 1 were directors. In or about February 2020, Robert Magness opened an account at the Brokerage Firm in the name of Legal Metrics and deposited 5,250,000 ORGH shares.

62. Following the deposit of those shares, the defendant RICHARD DALE STERRITT, JR, together with Robert Magness, Mark Ross and others, planned to use the ORGH shares in the Legal Metrics account at the Brokerage Firm to engage in a market manipulation scheme employing matched trading.

i. Fraudulent Matched Trading in ORGH Stock

63. To accomplish the market manipulation scheme, beginning in or about February 2020, the defendant RICHARD DALE STERRITT, JR., together with Robert Magness,

Mark Ross and others, worked with the Undercover Agent to engage in fraudulent trading activity of ORGH shares.

64. In or about and between February 2020 and June 2020, the Undercover Agent, while located in the Eastern District of New York, engaged in a series of consensually recorded calls with the defendant RICHARD DALE STERRITT, JR. and/or Robert Magness and Mark Ross to discuss the matched trading scheme. As part of the matched trading scheme, STERRITT indicated that he intended to sell the ORGH shares that he controlled at inflated prices and create a misleading appearance of active trading in ORGH at the inflated prices. The Undercover Agent told STERRITT that he had a team of brokers based in the Eastern District of New York that, at STERRITT's request, could control the sale of ORGH shares to their clients at a price set by STERRITT.

65. On or about March 30, 2020, the defendant RICHARD DALE STERRITT, JR. informed the Undercover Agent on a consensually recorded call that he could control the trading in ORGH shares because he had "[one] hundred percent control" over the ORGH shares deposited at the Brokerage Firm.

66. On or about April 15, 2020, the defendant RICHARD DALE STERRITT, JR. informed the Undercover Agent that he intended to sell 40 to 50 million shares of ORGH that he controlled through his nominees at a target price of \$2.00 per share, which far exceeded the prior share price of ORGH stock. Soon thereafter, STERRITT indicated to the Undercover Agent that he would engage in a series of smaller matched trades with the Undercover Agent as tests to ensure that they could properly execute the matched trades before trading tens of millions of shares.

67. On or about and between May 19, 2020 and May 29, 2020, the defendant RICHARD DALE STERRITT, JR., together with Robert Magness, Mark Ross and others, engaged in matched trading of ORGH stock, coordinating the trades through a series of consensually recorded calls and text messages. Matched trading occurred on each of the trading days in that time period, at increasing volume. The trades occurred on the following dates and prices per share:

Date	Price
May 19, 2020	\$0.99
May 20, 2020	\$0.98
May 21, 2020	\$1.26
May 22, 2020	\$1.44
May 26, 2020	\$1.62
May 27, 2020	\$1.52
May 28, 2020	\$1.72
May 29, 2020	\$1.65

68. For example, on or about May 19, 2020, the defendant RICHARD DALE STERRITT, JR. and Robert Magness agreed, on a consensually recorded conference call, to trade a specific number of ORGH shares and the price at which those shares would be traded. Magness indicated that he agreed with STERRITT and the Undercover Agent to make a series of smaller, test matched trades before moving on to trade \$100 million in ORGH stock. After making that agreement and with the conference line still open so that STERRITT and the Undercover Agent could hear the call, Magness called Co-Conspirator 3, a registered representative at the Brokerage Firm, to place an order to sell ORGH shares owned by Legal

Metrics at a pre-arranged sale price, just below the best offer price for the day of \$1.00 per share. Magness stated to Co-Conspirator 3 that he wanted to sell 1,000 shares at \$0.99 per share. As soon as Co-Conspirator 3 posted the offer from Magness, the Undercover Agent placed a buy order, purchasing the shares offered by Magness and completing the matched trade.

69. On or about May 20, 2020, the defendant RICHARD DALE STERRITT, JR. exchanged text messages with the Undercover Agent confirming that they would engage in matched trading at 2:00 p.m. and would speak by telephone to confirm the trades. Near the pre-appointed time, Robert Magness, with STERRITT and the Undercover Agent listening to the call but unannounced, spoke by telephone with Co-Conspirator 3 and placed the trade in ORGH.

70. On or about May 28, 2020, Robert Magness called Co-Conspirator 3 to place an order to sell ORGH shares owned by Legal Metrics at a pre-arranged sale price, previously communicated by the defendant RICHARD DALE STERRITT, JR. to the Undercover Agent, which was just below the best offer price of \$1.74 per share at that point in the day. With the conference line still open so that the Undercover Agent could hear the call, Magness stated to Co-Conspirator 3 that he wanted to sell 3,500 ORGH shares at \$1.72 per share. Moments after Co-Conspirator 3 posted the offer from Magness, the Undercover Agent placed a buy order, purchasing the shares offered by Magness and completing the matched trade. STERRITT later confirmed with the Undercover Agent that the matched trade had been successful.

71. On or about May 28, 2020, Mark Ross had a consensually recorded conversation with the defendant RICHARD DALE STERRITT, JR. and the Undercover Agent in which they discussed the matched trading of ORGH stock. Ross and the Undercover Agent discussed engaging in matched trading of ORGH stock, including Ross obtaining trading

authorization for ORGH shares held by Legal Metrics. On that call, Ross complimented the Undercover Agent's matched trading, stating that he "like[d] [the Undercover Agent's] work so far. I mean I -- it's been flawless -- what you've been doing, is just perfect. Perfect."

72. On or about May 29, 2020, following conversations with the defendant RICHARD DALE STERRITT, JR., Robert Magness and Mark Ross, Magness signed paperwork granting Ross trading authority for stocks owned by Legal Metrics. On or about the same day, May 29, 2020, Ross, following discussions with STERRITT, agreed to trade a pre-arranged number of ORGH shares at a pre-arranged price. In a consensually recorded call, Ross told the Undercover Agent, "I told [Co-Conspirator 3] before at 165. I just got to tell him to put it in." In response, the Undercover Agent stated, "I'll bid for it at a buck sixty-five and we'll take you guys out," to which Ross responded "terrific."

73. Later the same day, on or about May 29, 2020, Legal Metrics, through trades instigated by Mark Ross, sold more than 3,000 shares of ORGH via a matched trade to the Undercover Agent at a price of \$1.65 per share.

74. On or about May 29, 2020, Robert Magness transferred some of the proceeds of the matched trading, which totaled more than \$24,000 from an account at the Brokerage Firm in the name of Legal Metrics to bank accounts at Legal Metrics controlled by the defendant RICHARD DALE STERRITT, JR. and Magness. STERRITT and Magness spent the proceeds of the matched trading on personal expenses.

75. On or about June 1, 2020, the United States Securities and Exchange Commission (the "SEC") suspended trading in ORGH securities for a period of ten days.

76. On or about June 7, 2020, after the SEC suspended trading in ORGH securities, Robert Magness left New York, New York and flew from the Eastern District of New

York to Dallas, Texas to meet with the defendant RICHARD DALE STERRITT, JR. and discuss how to conceal the fraudulent matched trading. During that meeting, Magness stated that the “only way [the matched trading] could ever come back” and be traced to the conspirators was if authorities realized that there were communications between the Undercover Agent, STERRITT and Magness about coordinating the matched trading.

77. Throughout the ORGH Market Manipulation, the defendant RICHARD DALE STERRITT, JR. and Mark Ross used pre-paid cellular telephones to communicate and engage in the matched trading of ORGH stock under the belief that their conversations would not be recorded. STERRITT further told the Undercover Agent that he was going to send him an encrypted cellular telephone and instructed him to use it to engage in matched trading, but never actually sent the encrypted telephone.

ii. Fraudulent Kickbacks to the Undercover Agent

78. As part of the fraudulent matched trading in ORGH stock, the defendant RICHARD DALE STERRITT, JR., Michael Greer, Robert Magness and Mark Ross agreed to make hidden kickback payments to the Undercover Agent in exchange for the placement of fraudulently inflated ORGH shares with the purported clients of brokers working for the Undercover Agent. STERRITT, Greer, Magness and Ross agreed that the Undercover Agent would be paid 35 percent of the value of the trades as a kickback for engaging in the fraudulent matched trading.

79. On or about April 15, 2020, the defendant RICHARD DALE STERRITT, JR. stated to the Undercover Agent that he would disguise the kickback payments as “marketing fees.” STERRITT later stated he would explain communications with the Undercover Agent about the matched trading as communications related to a business to sell facemasks during the

COVID-19 pandemic, a business with which the Undercover Agent had never suggested he was involved. STERRITT further suggested to the Undercover Agent that he might make the kickback payments in the cryptocurrency Bitcoin because it would be the safest way to conceal the payments.

80. On or about May 26, 2020, the defendant RICHARD DALE STERRITT, JR. and Michael Greer sent a wire payment of \$2,650 to the Undercover Agent at a bank account in the Eastern District of New York as a kickback for engaging in the matched trading scheme. In addition, on or about May 29, 2020, STERRITT and Greer sent a wire payment of \$7,800 to the Undercover Agent at a bank account in the Eastern District of New York as a kickback for engaging in the matched trading scheme.

iii. Attempted ERFB Stock Manipulation

81. After the SEC suspended trading in ORGH, the defendant RICHARD DALE STERRITT, JR. engaged in a similar offering fraud and market manipulation scheme involving ERFB stock. As with ORGH, STERRITT secretly controlled ERFB through a web of nominee shareholders who were his close friends, family and co-conspirators.

82. As detailed above, in or about June 2020, Zona Energy and ERFB completed a share exchange in which Zona Energy investors received ERFB shares and a subsidiary of ERFB acquired Zona Energy.

83. On or about November 19, 2020, ERFB applied to FINRA for authorization to complete a 10,000:1 reverse stock split of ERFB's outstanding stock and a name change to "Zona." That application was denied by FINRA on or about January 28, 2021, with FINRA citing ERFB's failure to remain current in its reporting requirements and a prior cease-

and-desist order. Nonetheless, the same day, ERFB issued a press release announcing the reverse split of its common stock that FINRA had just denied.

84. On or about and between June 9, 2020 and January 30, 2021, the defendant RICHARD DALE STERRITT, JR. discussed plans with the Undercover Agent to begin matched trading in ERFB stock after the reverse stock split was completed.

85. On or about June 9, 2020, just days after the SEC halted trading in ORGH stock, the defendant RICHARD DALE STERRITT, JR. had a consensually recorded telephone call with the Undercover Agent in which STERRITT and the Undercover Agent discussed engaging in fraudulent securities schemes, including a similar matched trading scheme involving ERFB shares.

86. On or about November 30, 2020, the defendant RICHARD DALE STERRITT, JR. participated in two consensually recorded telephone calls with the Undercover Agent to discuss potential matched trading in ERFB stock. STERRITT claimed to the Undercover Agent that the contemplated stock manipulation scheme could cause ERFB's stock price to increase to \$60 to \$100 per share. STERRITT further told the Undercover Agent that ERFB had filed the required paperwork for the reverse split ten days earlier and claimed that after the reverse split, the outstanding shares of ERFB would be reduced. STERRITT stated that this would make it easier to engage in successful matched trading because, following the reverse split, no individual shareholder besides STERRITT would own more than 500 tradable shares of ERFB. As a result, STERRITT stated that he and the Undercover Agent would engage in matched trades in blocks of 10,000 to 20,000 shares, which would ensure that the shares would properly cross to one another. STERRITT told the Undercover Agent that he

himself would be doing the trading with shares he controlled and agreed to again provide a kickback of 35 percent to the Undercover Agent.

87. On or about December 10, 2020, the defendant RICHARD DALE STERRITT, JR. told the Undercover Agent that it was important to him that the Undercover Agent's corrupt brokers retain the stock for an extended period of time to maintain the stock price. STERRITT stated that he needed the stock price of ERFB to hold steady so that he could use the stock as a valuable currency to make acquisitions.

88. On or about January 30, 2021, the defendant RICHARD DALE STERRITT, JR. told the Undercover Agent again that he planned to use ERFB stock as currency to acquire assets and had already identified companies that he would like to buy. STERRITT stated that he planned on making the acquisition once the manipulated stock reached \$40 to \$50 dollars per share, and again told the Undercover Agent that he needed his corrupt brokers to hold the ERFB stock for at least a year for STERRITT to be able to make the planned acquisitions.

89. On or about February 4, 2021, the SEC suspended trading in ERFB stock. The next day, on or about February 5, 2021, ERFB issued a press release claiming that "the reverse split did not happen as anticipated and reported by the Company due to inaccurate advice from an outside technical advisor. This error has also caused a ten-day trading halt as directed by the SEC." These statements were false. FINRA denied the reverse split for the reasons in its release, not because of inaccurate advice from a technical advisor. Moreover, as the SEC noted when it suspended trading in ERFB, the suspension was because of questions regarding the accuracy of information in the marketplace.

COUNT ONE
(Conspiracy to Commit Securities Fraud)

90. The allegations contained in paragraphs one through 89 are realleged and incorporated as if fully set forth in this paragraph.

91. In or about and between March 2018 and February 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with others, did knowingly and willfully conspire to use and employ one or more manipulative and deceptive devices and contrivances, contrary to Rule 10b-5 of the Rules and Regulations of the United States Securities and Exchange Commission, Title 17, Code of Federal Regulations, Section 240.10b-5, by: (i) employing one or more devices, schemes and artifices to defraud; (ii) making one or more untrue statements of material fact and omitting to state one or more material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; and (iii) engaging in one or more acts, practices and courses of business which would and did operate as a fraud and deceit upon one or more investors and potential investors in Zona Energy and ORGH, in connection with the purchase and sale of investments in Zona Energy and ORGH, directly and indirectly, by use of means and instrumentalities of interstate commerce and the mails, contrary to Title 15, United States Code, Sections 78j(b) and 78ff.

92. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendants RICHARD DALE STERRITT, JR. and JAMES CHRISTOPHER PITTMAN, together with others, did commit and cause the commission of, among others, at least one of the following:

OVERT ACTS

(a) On or about October 10, 2018, PITTMAN texted STERRITT, “our agreement was 7% of total catch, 50% in shares and 50% in fishes. We can defer the fishes he said but wants shares issued next week. It works to play to his ego, trust me. I know people.”

(b) On or about October 20, 2018, Richman Energy transferred one million shares of Zona Energy to an entity controlled by PITTMAN in exchange for \$100.

(c) In or about January 2019, accounts controlled by STERRITT received deposits for the purchase of Zona Energy shares totaling nearly \$3.4 million.

(d) In or about January 2019, STERRITT misappropriated Zona Energy investor funds by transferring over \$2.7 million to Greer, the defendant ROBYN STRAZA and others, for personal expenses and luxury items.

(e) On or about February 12, 2020, PITTMAN wrote STERRITT: “Dearest Richard (aka Dale Sterritt, Jr.), in consideration of your agreement to deposit 1MM additional shares of [Zona Energy], together with 5MM shares of [ORGH], into an entity to be controlled by James Christopher Pittman, I do hereby agree not to request any additional shares in either of those entities, except in connection with any employment”

(f) On or about March 30, 2020, Richman Energy transferred one million shares of Zona Energy to an entity controlled by PITTMAN in exchange for \$100.

(g) On or about March 30, 2020, STERRITT informed the Undercover Agent on a consensually recorded telephone call that he could control the trading in ORGH shares because he had “hundred percent control” over the ORGH shares deposited at the Brokerage Firm.

(h) On or about April 15, 2020, STERRITT informed the Undercover Agent that he intended to sell 40 to 50 million shares of ORGH that he controlled through his nominees at a target price of \$2.00 per share, which far exceeded the prior share price for ORGH stock.

(i) On or about April 15, 2020, STERRITT indicated to the Undercover Agent that he agreed to engage in a series of smaller, test matched trades of ORGH stock to ensure they could properly execute the matched trades before trading tens of millions of shares.

(j) On or about April 15, 2020, STERRITT stated to the Undercover Agent on a telephone call that he would disguise kickback payments to the Undercover Agent as “marketing fees.”

(k) On or about May 19, 2020, Magness agreed with STERRITT, on a consensually recorded conference call, to first make a series of smaller, test matched trades to ensure the mechanics of the trading functioned properly, before moving on to trade more than \$100 million of ORGH stock.

(l) On or about May 19, 2020, STERRITT and Magness agreed, on a consensually recorded conference call, to trade a specific number of ORGH shares and the price at which those shares would be traded.

(m) On or about May 19, 2020, Magness, Co-Conspirator 3 and the Undercover Agent completed a pre-arranged matched trade of ORGH shares.

(n) On or about May 26, 2020, STERRITT and Greer sent a wire payment of \$2,650 to the Undercover Agent at a bank account in the Eastern District of New York as a kickback for engaging in the ORGH matched trading scheme.

(o) On or about May 28, 2020, Magness, Co-Conspirator 3 and the Undercover Agent completed a matched trade of ORGH shares, which STERRITT later confirmed with the Undercover Agent.

(p) On or about May 29, 2020, following conversations with STERRITT, Magness signed paperwork granting Ross trading authority for stock owned by Legal Metrics.

(q) On or about May 29, 2020, following conversations with STERRITT, Ross indicated that he agreed with the Undercover Agent to complete a matched trade of ORGH shares.

(r) On or about May 29, 2020, STERRITT and Greer sent a wire payment of \$7,800 to the Undercover Agent at a bank account in the Eastern District of New York as a kickback for engaging in the ORGH matched trading scheme.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT TWO
(Conspiracy to Commit Wire Fraud)

93. The allegations contained in paragraphs one through 89 are realleged and incorporated as if fully set forth in this paragraph.

94. In or about and between March 2018 and January 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants RICHARD DALE STERRITT, JR., also known as “Richard Richman,” and JAMES CHRISTOPHER PITTMAN, together with others, did knowingly and intentionally conspire to devise a scheme and artifice to defraud one or more investors and potential investors in Zona Energy and ORGH, and to obtain money and property from them by means of one or more materially false and fraudulent pretenses, representations and promises, and for the purpose of

executing such scheme and artifice, to transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce writings, signs, signals, pictures and sounds, contrary to Title 18, United States Code, Section 1343.

(Title 18, United States Code, Sections 1349 and 3551 et seq.)

COUNT THREE

(Securities Fraud – The Zona Energy Scheme)

95. The allegations contained in paragraphs one through 89 are realleged and incorporated as if fully set forth in this paragraph.

96. In or about and between March 2018 and January 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants RICHARD DALE STERRITT, JR., also known as “Richard Richman,” and JAMES CHRISTOPHER PITTMAN, together with others, did knowingly and willfully use and employ one or more manipulative and deceptive devices and contrivances, contrary to Rule 10b-5 of the Rules and Regulations of the United States Securities and Exchange Commission, Title 17, Code of Federal Regulations, Section 240.10b-5, by: (a) employing one or more devices, schemes and artifices to defraud; (b) making one or more untrue statements of material fact and omitting to state one or more material facts necessary in order to make the statements made, in light of the circumstances in which they were made, not misleading; and (c) engaging in one or more acts, practices and courses of business which would and did operate as a fraud and deceit upon one or more investors and potential investors in Zona Energy, in connection with the purchase and sale of investments in Zona Energy, directly and indirectly, by use of means and instrumentalities of interstate commerce and the mails.

(Title 15, United States Code, Sections 78j(b) and 78ff; Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FOUR

(Securities Fraud – The ORGH Stock Manipulation Scheme)

97. The allegations contained in paragraphs one through 89 are realleged and incorporated as if fully set forth in this paragraph.

98. In or about and between February 2020 and June 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RICHARD DALE STERRITT, JR., also known as “Richard Richman,” together with others, did knowingly and willfully use and employ one or more manipulative and deceptive devices and contrivances, contrary to Rule 10b-5 of the Rules and Regulations of the United States Securities and Exchange Commission, Title 17, Code of Federal Regulations, Section 240.10b-5, by: (a) employing one or more devices, schemes and artifices to defraud; (b) making one or more untrue statements of material fact and omitting to state one or more material facts necessary in order to make the statements made, in light of the circumstances in which they were made, not misleading; and (c) engaging in one or more acts, practices and courses of business which would and did operate as a fraud and deceit upon one or more investors and potential investors in ORGH, in connection with the purchase and sale of investments in ORGH, directly and indirectly, by use of means and instrumentalities of interstate commerce and the mails.

(Title 15, United States Code, Sections 78j(b) and 78ff; Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FIVE

(Conspiracy to Commit Money Laundering)

99. The allegations contained in paragraphs one through 89 are realleged and incorporated as if fully set forth in this paragraph.

100. In or about and between March 2018 and February 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants RICHARD DALE STERRITT, JR., also known as “Richard Richman,” and ROBYN STRAZA, together with others, did knowingly and intentionally conspire to engage in monetary transactions, to wit: deposits, withdrawals and transfers of funds and monetary instruments, in and affecting interstate commerce, by, through and to one or more financial institutions, in criminally derived property that was of a value greater than \$10,000 and that was derived from one or more specified unlawful activities, to wit: conspiracy to commit securities fraud, contrary to Title 18, United States Code, Section 371 and fraud in the sale of securities, contrary to Title 15, United States Code, Sections 78j(b) and 78ff, all contrary to Title 18, United States Code, Section 1957(a).

(Title 18, United States Code, Sections 1956(h) and 3551 et seq.)

**CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE THROUGH FOUR**

101. The United States hereby gives notice to the defendants charged in Counts One through Four that, upon their conviction of any of the offenses charged therein, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to forfeit any property, real or personal, constituting or derived from, proceeds obtained directly or indirectly as a result of such offenses.

102. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;

- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNT FIVE

103. The United States hereby gives notice to the defendants charged in Count Five that, upon their conviction of the offense charged in Count Five, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(1), which requires any person convicted of such offense to forfeit any property, real or personal, involved in such offense, or any property traceable to such property.

104. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(1) and 982(b)(1); Title 21, United States Code, Section 853(p))

A TRUE BILL


FOREPERSON

By Assistant U.S. Attorney Carolyn Pokorny

BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F#: 2019R01653
FORM DBD-34
JUN, 85

No.

UNITED STATES DISTRICT COURT
EASTERN *District of* NEW YORK
CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

RICHARD DALE STERRITT, JR., ALSO KNOWN AS "RICHARD RICHMAN."
JAMES CHRISTOPHER PITTMAN AND ROBYN STRAZA,

Defendants.

SUPERSEDING INDICTMENT

(T. 15, U.S.C., §§ 78j(b) and 78ff; T. 18, U.S.C., §§ 371, 981(a)(1)(C),
982(a)(1), 982(b)(1), 1349, , 1956(h), 2 and 3551 et seq.; T. 21, U.S.C. §
853(p); T. 28, U.S.C. § 2461(c))

A true bill. Thomas J. Rando Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____ Clerk

Bail, \$ _____

Sarah M. Evans, Nick M. Axelrod and John O. Enright,
Assistant U.S. Attorneys (718) 254-7000

UNITED STATES DISTRICT COURT

Eastern District of New York

UNITED STATES OF AMERICA

v.

James Christopher Pittman

JUDGMENT IN A CRIMINAL CASE

Case Number: 21CR193 (KAM)

USM Number: 37361-510

Chad D. Seigel, Esq.

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) Counts 1 and 2 of a five-count Superseding Indictment. (not named in Counts 4 and 5)☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 371	Conspiracy to Commit Securities Fraud, Class D Felony	2/28/2021	1S
18 U.S.C. § 1349, 1343	Conspiracy to Commit Wire Fraud, Class C Felony	1/31/2021	2S

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☒ Count(s) 3 of the superseding indictment ☒ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

9/19/2025

Date of Imposition of Judgment

s/KAM

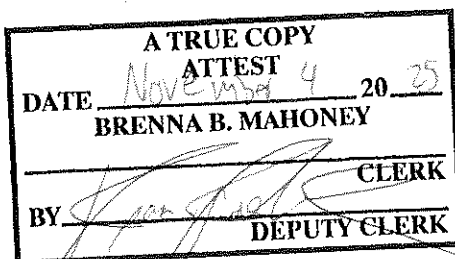
Signature of Judge

Kiyo A. Matsumoto, USDJ

Name and Title of Judge

9/19/2025

Date



EXHIBIT

2

DEFENDANT: James Christopher Pittman
CASE NUMBER: 21CR193 (KAM)

PROBATION

You are hereby sentenced to probation for a term of: 5 years with the standard and special conditions of probation.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*
7. ☒ You must make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664. *(check if applicable)*
8. You must pay the assessment imposed in accordance with 18 U.S.C. § 3013.
9. If this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment.
10. You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: James Christopher Pittman
CASE NUMBER: 21CR193 (KAM)

STANDARD CONDITIONS OF SUPERVISION

As part of your probation, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you were sentenced, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: James Christopher Pittman
CASE NUMBER: 21CR193 (KAM)

SPECIAL CONDITIONS OF SUPERVISION

1. Mr. Pittman is subject to the standard conditions of probation as set forth in Guideline 5B1.3(c). Mr. Pittman and his counsel have certified that those conditions have been provided to Mr. Pittman in writing, that the standard conditions have been explained to him, and that he has had adequate opportunity to discuss them with his counsel. (ECF No. 517.)
2. For the first 3 months of his term of probation, Mr. Pittman will be on home confinement via electronic monitoring as directed by the Probation Department. Mr. Pittman will be permitted to leave his home only for medical emergencies or appointments, for work, visits to counsel necessary for his legal practice or in connection with proceedings to determine his tax liability and retention of his legal license, and to attend religious services, with prior notice and prior approval from his probation officer. Mr. Pittman shall pay the cost of monitoring and shall disclose truthfully all financial information and documents to the Probation Department to assess his ability to pay the costs of monitoring. Mr. Pittman shall report to his probation officer as required, and shall comply with all conditions of his release while on home detention.
3. Mr. Pittman shall comply with the order of restitution, and order of forfeiture, as set forth below, and pay his \$200 special assessment. Failure to pay the restitution, forfeiture and assessment will be considered a violation of probation. The Court notes that defense counsel represented Mr. Pittman has paid the entire forfeiture money judgment amount of \$25,000, which the government confirmed on the record during Mr. Pittman's sentencing. Mr. Pittman's forfeiture money judgment is therefore considered satisfied, but his special assessment and restitution remain outstanding and unpaid.
4. Upon request, Mr. Pittman shall provide the Probation Department with truthful and complete disclosure of his financial condition and personal and business records, including co-mingled income, expenses, assets and liabilities, and he must also provide personal and business tax returns. With the exception of the financial accounts reported and noted in the presentence report, Mr. Pittman is prohibited from maintaining or opening additional individual or joint checking, whether savings, checkings, or other financial accounts, for either personal or business reasons, whether in his name or a fictitious name, a family member's name, a partner's name, without the knowledge and approval of the Probation Department and the Court. Mr. Pittman shall cooperate with the Probation Department in the investigation of his financial dealings and he shall provide truthful and complete monthly statements of his income and expenses, he must document that financial information, and he must do so for both business and personal financial dealings, whether or not held or received in his true legal name. Mr. Pittman shall cooperate in the signing of any necessary authorizations to permit the Probation Department to access his financial information and records including but not limited to information concerning tax returns, bank accounts, brokerage accounts, savings accounts, and business accounts. The court finds that this condition is warranted both due to the nature of the underlying offenses and to facilitate compliance with Mr. Pittman's restitution obligation.
5. Given his history of alcohol abuse, Mr. Pittman shall submit to a substance abuse evaluation and, shall participate in an outpatient drug or alcohol treatment program and mental health treatment program selected by the Probation Department. Mr. Pittman shall contribute to the costs of such treatment not to exceed an amount determined reasonable by the Probation Department, and shall cooperate in securing any applicable third party payment, such as health insurance or Medicaid. Mr. Pittman shall disclose truthfully all financial information and documents to the Probation Department to assess his ability to pay. Mr. Pittman shall not consume any alcohol or other intoxicants during and after treatment, unless granted a prescription by a licensed physician and proof of the same is provided to the Probation Department. Mr. Pittman shall submit to testing during and after treatment to ensure abstinence from all drugs and alcohol.

DEFENDANT: James Christopher Pittman
CASE NUMBER: 21CR193 (KAM)

SPECIAL CONDITIONS OF SUPERVISION CONTINUE

RESTITUTION

- i. Mr. Pittman is ordered to pay restitution in the amount of \$16,341,343.00 due in full today, and payable as set forth to the victims. The identity and address information of the victims entitled to restitution are listed on Sealed Exhibit A to the Order of Restitution; the Order is attached hereto and incorporated herein. Exhibit A will be kept under seal by the Clerk until further order of this Court except that appropriate personnel of the Clerk's office and the United States Attorney's Office for the Eastern District of New York shall have immediate access to it in order to make the distribution required by the restitution order.
- ii. Restitution is due and payable immediately and in full, from any and all personal or business assets and income. If not paid immediately and in full, it is payable at a minimum monthly rate of 15% of his gross monthly income, earned and/or unearned from all sources, whether personal income or business income, or \$1,000 per month, whichever is greater, in monthly payments beginning on October 1, 2025, until paid in full. If Mr. Pittman obtains any funds from any windfall or unexpected sources, in addition to his earned and/or unearned income, he shall pay the entire amount toward restitution immediately. If, for example, Mr. Pittman sells a business or assets, or receives a bequest or inheritance, or if he receives lottery winnings or gifts, 100 percent of funds from those sources, subtracting only deductions required by law, meaning state, federal, or local taxes, must be paid immediately toward his restitution obligation. Monthly payments shall be made to the Clerk of the Court, United States District Court, 225 Cadman Plaza East, Brooklyn, New York, 11201. The payment instrument shall reference the case name and number, i.e., United States v. James Pittman, Case No. 21-cr-193 (KAM), and should note "restitution."
- iii. Mr. Pittman shall pay interest on the total amount of restitution unless it is paid in full before the fifteenth day after the date judgment is entered.
- v. Mr. Pittman shall fully and truthfully disclose his financial condition to the Probation Department and the United States Attorney's Office for the Eastern District of New York, and shall promptly notify the Court through the Probation Department, and the Financial Litigation Unit of the United States Attorney's Office for the Eastern District of New York, of any material change in his economic circumstances that might affect his ability to pay restitution, as required by 18 U.S. Code Section 3664(k). The restitution imposed is a lien in favor of the United States on all property and rights to property of Mr. Pittman as if the liability were a liability for a tax assessed under the Internal Revenue Code of 1986. The lien arises on the entry of judgment and continues for 20 years or until the liability is satisfied, remitted, or set aside, or terminated under 18 U.S. Code Section 3613(b).
- vi. Mr. Pittman is jointly and severally liable for the restitution judgment with his co-defendants Richard Dale Sterritt, Jr., Mark Ross, and Robert Magness.
- vii. The Clerk of the Court is directed to distribute payments pro rata to the victims at least once per year to the extent funds are available to distribute. The United States Department of Probation, and the United States Attorney's Office for the Eastern District of New York are directed to provide to the Clerk of the Court all necessary assistance to assure prompt distribution of restitution payments.

FORFEITURE

Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), the defendant has consented to the entry of a forfeiture money judgment in the amount of twenty five thousand dollars and zero cents (\$25,000.00) (the "Forfeiture Money Judgment"), as any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of the defendant's violations of 18 U.S.C. §§ 371 and 1349, and/or substitute assets, pursuant to 21 U.S.C. § 853 (p). The Order of Forfeiture is attached hereto and incorporated herein.

The Court notes that defense counsel represented Mr. Pittman had paid the entire forfeiture money judgment amount of \$25,000, which the government confirmed on the record during Mr. Pittman's sentencing. Mr. Pittman's forfeiture money judgment is therefore considered satisfied, but his special assessment and restitution remain outstanding and unpaid.

DEFENDANT: James Christopher Pittman
CASE NUMBER: 21CR193 (KAM)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 200.00	\$ 16,341,343.00	\$ 0.00	\$ 0.00	\$ 0.00

☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
The Clerk of Court shall forward restitution payments to:	\$16,341,343.00	\$16,341,343.00	

The identity and address information of the victims are

listed on Sealed Exhibit A to the Order of Restitution.

The Order is attached hereto and incorporated herein.

TOTALS	<u>\$16,341,343.00</u>	<u>\$ 16,341,343.00</u>
--------	------------------------	-------------------------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☒ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: James Christopher Pittman
CASE NUMBER: 21CR193 (KAM)

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 16,341,543.00 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
The restitution, forfeiture and assessment amounts shall be paid to the Clerk of Court, US District Court, EDNY, 225 Cadman Plaza East, Brooklyn, NY 11201. The identity and address information of the victims entitled to restitution are listed on Sealed Exhibit A to the Order of Restitution; the Order is attached hereto and incorporated herein. The Clerk of Court shall distribute restitution to the victims. The forfeiture amount shall be paid to the U.S. Marshal's Service as set forth in the Final Order of Forfeiture that is attached hereto and incorporated herein. Failure to pay the restitution and assessment will be considered a violation of probation. The Court notes that defense counsel represented Mr. Pittman had paid the entire forfeiture money judgment amount of \$25,000, which the government confirmed during Mr. Pittman's sentencing. Mr. Pittman's forfeiture money judgment is therefore considered satisfied, but his special assessment and restitution remain outstanding.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
Richard Sterritt, Jr., James Magness Mark Ross in 21CR193 (KAM)	16,341,343.00	16,341,343.00	

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):

- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), the defendant has consented to the entry of a forfeiture money judgment in the amount of twenty five thousand dollars and zero cents (\$25,000.00) (the "Forfeiture Money Judgment"), as any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of the defendant's violations of 18 U.S.C. §§ 371 and 1349, and/or substitute assets, pursuant to 21 U.S.C. § 853(p). The Order of Forfeiture is attached hereto and incorporated herein. The Court notes that defense counsel represented Mr. Pittman had paid the entire forfeiture money judgment amount of \$25,000, which the government confirmed during Mr. Pittman's sentencing. Mr. Pittman's forfeiture money judgment is therefore considered satisfied, but his special assessment and restitution remain outstanding.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

– against –

JAMES CHRISTOPHER PITTMAN,

Defendant.

----- X

ORDER OF RESTITUTION

Criminal Docket No. 21-193 (KAM)

WHEREAS, defendant JAMES CHRISTOPHER PITTMAN pleaded guilty on October 13, 2023, in the above-captioned case,

1. This order of restitution will be incorporated by reference to the Judgment and to be filed in connection with the above-captioned case.
2. The defendant is directed to pay restitution to the victims named, and in the amounts listed in Exhibit A to this order. Exhibit A shall be kept under seal until further order of this Court except that appropriate personnel of the Clerk's Office and the United States Attorney's Office shall have immediate access to it in order to make the distribution required by this order.
3. The total restitution amount to be paid is \$16,341,343.00. Restitution is due immediately and in full. If not paid immediately and in full, it must be paid at a minimum monthly rate of 15% of the defendant's gross monthly income, earned and/or unearned from all sources after deductions required by law, or \$1,000 per month, whichever is greater, in monthly payments starting on October 1, 2025, until paid in full. If the defendant obtains any funds from any windfall or unexpected sources, in addition to his earned and/or unearned income, he shall pay the entire amount toward restitution immediately. If, for example, the defendant sells a business or assets, or receives a bequest or inheritance, or if he receives lottery winnings or gifts, 100 percent of funds from those sources, subtracting only deductions required by law, meaning taxes, must be

paid immediately toward his restitution obligation. Monthly payments shall be made to the Clerk of the Court, United States District Court, 225 Cadman Plaza East, Brooklyn, N.Y. 11201. The payment instrument shall reference the case name and number, as set forth above, and the word "restitution."

4. The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of the judgment, unless waived or modified by the court. *See* 18 U.S.C. § 3612(f).

5. The defendant shall notify the Court, the Probation Department, and the Financial Litigation Unit of the United States Attorney's Office, Eastern District of New York of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution. *See* 18 U.S.C. § 3664(k).

6. The restitution imposed is lien in favor of the United States on all property and rights to property of the person fined as if the liability of the person fined were a liability for a tax assessed under the Internal Revenue Code of 1986. The lien arises on the entry of judgment and continues for 20 years or until the liability is satisfied, set aside, or is terminated under subsection 18 U.S.C. § 3613(b). *See* 18 U.S.C. § 3613(c).

7. The defendant is jointly and severally liable for the restitution judgment with co-defendants Richard Dale Sterritt, Jr., Mark Ross, and Robert Magness.

8. The Clerk is directed to distribute restitution payments *pro rata* to the victims at least once per year to the extent funds are available to distribute. The United States Department of Probation and the United States Attorney's Office are directed to provide to the Clerk whatever assistance is necessary to assure prompt distribution of restitution payments. The Clerk is directed to mail a copy of the instant document and the attachment to the Criminal Assistant assigned to

the instant case and the Financial Litigation Unit of the United States Attorney's Office of the Eastern District of New York.

Dated: Brooklyn, New York
September 19, 2025

s/KAM

HONORABLE KIYO A. MATSUMOTO
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

ORDER OF FORFEITURE

- against -

21 CR 193 (S-1) (KAM)

JAMES CHRISTOPHER PITTMAN,

Defendant.

-----X

WHEREAS, on or about December 13, 2023, James Christopher Pittman (the “defendant”), entered a plea of guilty to the offenses charged in Counts One and Two of the above-captioned Superseding Indictment, charging violations of 18 U.S.C. §§ 371 and 1349; and

WHEREAS, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), the defendant has consented to the entry of a forfeiture money judgment in the amount of twenty-five thousand dollars and zero cents (\$25,000.00) (the “Forfeiture Money Judgment”), as any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of the defendant’s violations of 18 U.S.C. §§ 371 and 1349, and/or a substitute asset, pursuant to 21 U.S.C. § 853(p).

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, on consent, by and between the United States and the defendant as follows:

1. The defendant shall forfeit to the United States the full amount of the Forfeiture Money Judgment, pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and 21 U.S.C. § 853(p).

2. All payments made towards the Forfeiture Money Judgment shall be made by a money order, or certified and/or official bank check, payable to the U.S. Marshals Service with the criminal docket number noted on the face of the instrument. The defendant shall cause said payment(s) to be sent by overnight mail delivery to the Asset Recovery Section, United States Attorney's Office, Eastern District of New York, 271-A Cadman Plaza East, Brooklyn, New York 11201. The Forfeiture Money Judgment shall be paid in full within 30 days of the defendant's sentencing (the "Due Date").

3. If the defendant fails to pay any portion of the Forfeiture Money Judgment on or before the Due Date, the defendant shall forfeit any other property of his up to the value of the outstanding balance, pursuant to 21 U.S.C. § 853(p), and further agrees that the conditions of 21 U.S.C. § 853(p)(1)(A)-(E) have been met.

4. Upon entry of this Order of Forfeiture ("Order"), the United States Attorney General or her designee is authorized to conduct any proper discovery in accordance with Fed. R. Crim. P. 32.2(b)(3) and (c). The United States alone shall hold title to the monies paid by the defendant to satisfy the Forfeiture Money Judgment following the Court's entry of the judgment of conviction.

5. The defendant shall fully assist the government in effectuating the payment of the Forfeiture Money Judgment, by among other things, executing any documents necessary to effectuate any transfer of title to the United States. The defendant shall not file a claim or petition seeking remission or contesting the forfeiture of any property against which the government seeks to satisfy the Forfeiture Money Judgment in any administrative or judicial (civil or criminal) proceeding. The defendant shall not assist any person or entity to file a claim or petition seeking remission or contesting the forfeiture of

any property against which the government seeks to satisfy the Forfeiture Money Judgment in any administrative or judicial (civil or criminal) forfeiture proceeding.

6. The defendant knowingly and voluntarily waives his right to any required notice concerning the forfeiture of the monies and/or properties forfeited hereunder, including notice set forth in an indictment or information. In addition, the defendant knowingly and voluntarily waives his right, if any, to a jury trial on the forfeiture of said monies and/or properties, and waives all constitutional, legal and equitable defenses to the forfeiture of said monies and/or properties, including, but not limited to, any defenses based on principles of double jeopardy, the *Ex Post Facto* clause of the Constitution, any applicable statute of limitations, venue, or any defense under the Eighth Amendment, including a claim of excessive fines.

7. The entry and payment of the Forfeiture Money Judgment is not to be considered a payment of a fine, penalty, restitution loss amount or a payment of any income taxes that may be due, and shall survive bankruptcy.

8. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Order shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment of conviction. This Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2). At that time, the monies and/or properties paid toward the Forfeiture Money Judgment shall be forfeited to the United States for disposition in accordance with the law.

9. This Order shall be binding upon the defendant and the successors, administrators, heirs, assigns and transferees of the defendant, and shall survive the bankruptcy of any of them.

10. This Order shall be final and binding only upon the Court's "so ordering" of the Order.

11. The Court shall retain jurisdiction over this action to enforce compliance with the terms of this Order and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

12. The Clerk of the Court is directed to send, by inter-office mail, three (3) certified copies of this executed Order to the United States Attorney's Office, Eastern District of New York, Attn: Nicole Brown, ProMinds Paralegal, 271-A Cadman Plaza East, Brooklyn, New York 11201.

Dated: Brooklyn, New York

Sept 19, 2025

SO ORDERED:

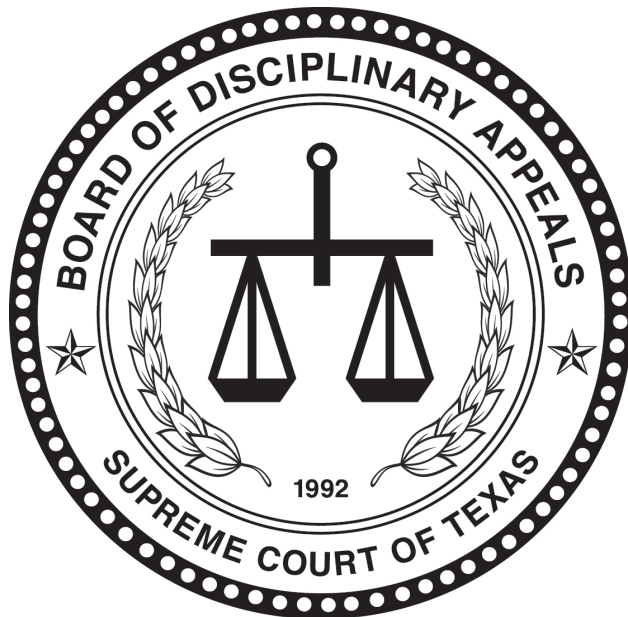
s/KAM

HONORABLE KIYO A. MATSUMOTO
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK

THE BOARD *of* DISCIPLINARY APPEALS
APPOINTED BY THE SUPREME COURT *of* TEXAS



INTERNAL PROCEDURAL RULES
(EFFECTIVE SEPTEMBER 24, 2024)



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INTERNAL PROCEDURAL RULES

BOARD OF DISCIPLINARY APPEALS

Current through September 24, 2024

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INTERNAL PROCEDURAL RULES

Board of Disciplinary Appeals

Current through September 24, 2024

I. GENERAL PROVISIONS

Rule 1.01. Definitions

- (a) “BODA” is the Board of Disciplinary Appeals.
- (b) “Chair” is the member elected by BODA to serve as chair or, in the Chair’s absence, the member elected by BODA to serve as vice-chair.
- (c) “Classification” is the determination by the CDC under TRDP 2.10 or by BODA under TRDP 7.08(C) whether a grievance constitutes a “complaint” or an “inquiry.”
- (d) “BODA Clerk” is the executive director of BODA or other person appointed by BODA to assume all duties normally performed by the clerk of a court.
- (e) “CDC” is the Chief Disciplinary Counsel for the State Bar of Texas and his or her assistants.
- (f) “Commission” is the Commission for Lawyer Discipline, a permanent committee of the State Bar of Texas.
- (g) “Executive Director” is the executive director of BODA.
- (h) “Panel” is any three-member grouping of BODA under TRDP 7.05.
- (i) “Party” is a Complainant, a Respondent, or the Commission.
- (j) “TDRPC” is the Texas Disciplinary Rules of Professional Conduct.
- (k) “TRAP” is the Texas Rules of Appellate Procedure.
- (l) “TRCP” is the Texas Rules of Civil Procedure.
- (m) “TRDP” is the Texas Rules of Disciplinary Procedure.
- (n) “TRE” is the Texas Rules of Evidence.

Rule 1.02. General Powers

Under TRDP 7.08, BODA has and may exercise all the powers of either a trial court or an appellate court, as the case may be, in hearing and determining disciplinary proceedings. But TRDP 15.01 [17.01] applies to the enforcement of a judgment of BODA.

Rule 1.03. Additional Rules in Disciplinary Matters

Except as varied by these rules and to the extent applicable, the TRCP, TRAP, and TRE apply to all disciplinary matters before BODA, except for appeals from classification decisions, which are governed by TRDP 2.10 and by Section 3 of these rules.

Rule 1.04. Appointment of Panels

- (a) BODA may consider any matter or motion by panel,

except as specified in (b). The Chair may delegate to the Executive Director the duty to appoint a panel for any BODA action. Decisions are made by a majority vote of the panel; however, any panel member may refer a matter for consideration by BODA sitting en banc. Nothing in these rules gives a party the right to be heard by BODA sitting en banc.

- (b) Any disciplinary matter naming a BODA member as Respondent must be considered by BODA sitting en banc. A disciplinary matter naming a BODA staff member as Respondent need not be heard en banc.

- (c) BODA may, upon decision of the Chair, conduct any business or proceedings—including any hearing, pretrial conference, or consideration of any matter or motion—remotely.

Rule 1.05. Filing of Pleadings, Motions, and Other Papers

- (a) **Electronic Filing.** All documents must be filed electronically. Unrepresented persons or those without the means to file electronically may electronically file documents, but it is not required.

- (1) Email Address. The email address of an attorney or an unrepresented party who electronically files a document must be included on the document.

- (2) Timely Filing. Documents are filed electronically by emailing the document to the BODA Clerk at the email address designated by BODA for that purpose. A document filed by email will be considered filed the day that the email is sent. The date sent is the date shown for the message in the inbox of the email account designated for receiving filings. If a document is sent after 5:00 p.m. or on a weekend or holiday officially observed by the State of Texas, it is considered filed the next business day.

- (3) It is the responsibility of the party filing a document by email to obtain the correct email address for BODA and to confirm that the document was received by BODA in legible form. Any document that is illegible or that cannot be opened as part of an email attachment will not be considered filed. If a document is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from BODA.

- (4) Exceptions.

- (i) An appeal to BODA of a decision by the CDC to classify a grievance as an inquiry or a complaint is not required to be filed electronically.

- (ii) The following documents must not be filed electronically:

- a) documents that are filed under seal or subject to a pending motion to seal; and

- b) documents to which access is otherwise restricted by court order.

(iii) For good cause, BODA may permit a party to file other documents in paper form in a particular case.

(5) **Format.** An electronically filed document must:

(i) be in text-searchable portable document format (PDF);

(ii) be directly converted to PDF rather than scanned, if possible; and

(iii) not be locked.

(b) A paper will not be deemed filed if it is sent to an individual BODA member or to another address other than the address designated by BODA under Rule 1.05(a)(2).

(c) **Signing.** Each brief, motion, or other paper filed must be signed by at least one attorney for the party or by the party pro se and must give the State Bar of Texas card number, mailing address, telephone number, email address, and fax number, if any, of each attorney whose name is signed or of the party (if applicable). A document is considered signed if the document includes:

(1) an “/s/” and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or

(2) an electronic image or scanned image of the signature.

(d) **Paper Copies.** Unless required by BODA, a party need not file a paper copy of an electronically filed document.

(e) **Service.** Copies of all documents filed by any party other than the record filed by the evidentiary panel clerk or the court reporter must, at or before the time of filing, be served on all other parties as required and authorized by the TRAP.

Rule 1.06. Service of Petition

In any disciplinary proceeding before BODA initiated by service of a petition on the Respondent, the petition must be served by personal service; by certified mail with return receipt requested; or, if permitted by BODA, in any other manner that is authorized by the TRCP and reasonably calculated under all the circumstances to apprise the Respondent of the proceeding and to give him or her reasonable time to appear and answer. To establish service by certified mail, the return receipt must contain the Respondent’s signature.

Rule 1.07. Hearing Setting and Notice

(a) **Original Petitions.** In any kind of case initiated by the CDC’s filing a petition or motion with BODA, the CDC may contact the BODA Clerk for the next regularly available hearing date before filing the original petition. If a hearing is set before the petition is filed, the petition must state the date, time, and place of the hearing. Except in the case of a petition to revoke probation under TRDP 2.23 [2.22], the hearing date must be at least 30 days from the date that the petition is served on the Respondent.

(b) **Expedited Settings.** If a party desires a hearing on a matter on a date earlier than the next regularly available BODA hearing date, the party may request an expedited setting in a written motion setting out the reasons for the request. Unless the parties agree otherwise, and except in the case of a petition to revoke probation under TRDP 2.23 [2.22], the expedited hearing setting must be at least 30 days from the date of service of the petition, motion, or other pleading. BODA has the sole discretion to grant or deny a request for an expedited hearing date.

(c) **Setting Notices.** BODA must notify the parties of any hearing date that is not noticed in an original petition or motion.

(d) **Announcement Docket.** Attorneys and parties appearing before BODA must confirm their presence and present any questions regarding procedure to the BODA Clerk in the courtroom immediately prior to the time docket call is scheduled to begin. Each party with a matter on the docket must appear at the docket call to give an announcement of readiness, to give a time estimate for the hearing, and to present any preliminary motions or matters. Immediately following the docket call, the Chair will set and announce the order of cases to be heard.

Rule 1.08. Time to Answer

The Respondent may file an answer at any time, except where expressly provided otherwise by these rules or the TRDP, or when an answer date has been set by prior order of BODA. BODA may, but is not required to, consider an answer filed the day of the hearing.

Rule 1.09. Pretrial Procedure

(a) **Motions.**

(1) Generally. To request an order or other relief, a party must file a motion supported by sufficient cause with proof of service on all other parties. The motion must state with particularity the grounds on which it is based and set forth the relief sought. All supporting briefs, affidavits, or other documents must be served and filed with the motion. A party may file a response to a motion at any time before BODA rules on the motion or by any deadline set by BODA. Unless otherwise required by these rules or the TRDP, the form of a motion must comply with the TRCP or the TRAP.

(2) For Extension of Time. All motions for extension of time in any matter before BODA must be in writing, comply with (a)(1), and specify the following:

(i) if applicable, the date of notice of decision of the evidentiary panel, together with the number and style of the case;

(ii) if an appeal has been perfected, the date when the appeal was perfected;

(iii) the original deadline for filing the item in question;

(iv) the length of time requested for the extension;

(v) the number of extensions of time that have been granted previously regarding the item in question; and

(vi) the facts relied on to reasonably explain the need for an extension.

(b) **Pretrial Scheduling Conference.** Any party may request a pretrial scheduling conference, or BODA on its own motion may require a pretrial scheduling conference.

(c) **Trial Briefs.** In any disciplinary proceeding before BODA, except with leave, all trial briefs and memoranda must be filed with the BODA Clerk no later than ten days before the day of the hearing.

(d) **Hearing Exhibits, Witness Lists, and Exhibits Tendered for Argument.** A party may file a witness list, exhibit, or any other document to be used at a hearing or oral argument before the hearing or argument. A party must bring to the hearing an original and 12 copies of any document that was not filed at least one business day before the hearing. The original and copies must be:

(1) marked;

(2) indexed with the title or description of the item offered as an exhibit; and

(3) if voluminous, bound to lie flat when open and tabbed in accordance with the index.

All documents must be marked and provided to the opposing party before the hearing or argument begins.

Rule 1.10. Decisions

(a) **Notice of Decisions.** The BODA Clerk must give notice of all decisions and opinions to the parties or their attorneys of record.

(b) **Publication of Decisions.** BODA must report judgments or orders of public discipline:

(1) as required by the TRDP; and

(2) on its website for a period of at least ten years following the date of the disciplinary judgment or order.

(c) **Abstracts of Classification Appeals.** BODA may, in its discretion, prepare an abstract of a classification appeal for a public reporting service.

Rule 1.11. Board of Disciplinary Appeals Opinions

(a) BODA may render judgment in any disciplinary matter with or without written opinion. In accordance with TRDP 6.06, all written opinions of BODA are open to the public and must be made available to the public reporting services, print or electronic, for publishing. A majority of the members who participate in considering the disciplinary matter must determine if an opinion will be written. The names of the participating members must be noted on all written opinions of BODA.

(b) Only a BODA member who participated in the

decision of a disciplinary matter may file or join in a written opinion concurring in or dissenting from the judgment of BODA. For purposes of this rule, in hearings in which evidence is taken, no member may participate in the decision unless that member was present at the hearing. In all other proceedings, no member may participate unless that member has reviewed the record. Any member of BODA may file a written opinion in connection with the denial of a hearing or rehearing en banc.

(c) A BODA determination in an appeal from a grievance classification decision under TRDP 2.10 is not a judgment for purposes of this rule and may be issued without a written opinion.

Rule 1.12. BODA Work Product and Drafts

A document or record of any nature—regardless of its form, characteristics, or means of transmission—that is created or produced in connection with or related to BODA's adjudicative decision-making process is not subject to disclosure or discovery. This includes documents prepared by any BODA member, BODA staff, or any other person acting on behalf of or at the direction of BODA.

Rule 1.13. Record Retention

Records of appeals from classification decisions must be retained by the BODA Clerk for a period of at least three years from the date of disposition. Records of other disciplinary matters must be retained for a period of at least five years from the date of final judgment, or for at least one year after the date a suspension or disbarment ends, whichever is later. For purposes of this rule, a record is any document, paper, letter, map, book, tape, photograph, film, recording, or other material filed with BODA, regardless of its form, characteristics, or means of transmission.

Rule 1.14. Costs of Reproduction of Records

The BODA Clerk may charge a reasonable amount for the reproduction of nonconfidential records filed with BODA. The fee must be paid in advance to the BODA Clerk.

Rule 1.15. Publication of These Rules

These rules will be published as part of the TDRPC and TRDP.

II. ETHICAL CONSIDERATIONS

Rule 2.01. Representing or Counseling Parties in Disciplinary Matters and Legal Malpractice Cases

(a) A current member of BODA must not represent a party or testify voluntarily in a disciplinary action or proceeding. Any BODA member who is subpoenaed or otherwise compelled to appear at a disciplinary action or proceeding, including at a deposition, must promptly notify the BODA Chair.

(b) A current BODA member must not serve as an expert witness on the TDRPC.

(c) A BODA member may represent a party in a legal

malpractice case, provided that he or she is later recused in accordance with these rules from any proceeding before BODA arising out of the same facts.

Rule 2.02. Confidentiality

(a) BODA deliberations are confidential, must not be disclosed by BODA members or staff, and are not subject to disclosure or discovery.

(b) Classification appeals, appeals from evidentiary judgments of private reprimand, appeals from an evidentiary judgment dismissing a case, interlocutory appeals or any interim proceedings from an ongoing evidentiary case, and disability cases are confidential under the TRDP. BODA must maintain all records associated with these cases as confidential, subject to disclosure only as provided in the TRDP and these rules.

(c) If a member of BODA is subpoenaed or otherwise compelled by law to testify in any proceeding, the member must not disclose a matter that was discussed in conference in connection with a disciplinary case unless the member is required to do so by a court of competent jurisdiction

Rule 2.03. Disqualification and Recusal of BODA Members

(a) BODA members are subject to disqualification and recusal as provided in TRCP 18b.

(b) BODA members may, in addition to recusals under (a), voluntarily recuse themselves from any discussion and voting for any reason. The reasons that a BODA member is recused from a case are not subject to discovery.

(c) These rules do not disqualify a lawyer who is a member of, or associated with, the law firm of a BODA member from serving on a grievance committee or representing a party in a disciplinary proceeding or legal malpractice case. But a BODA member must recuse him or herself from any matter in which a lawyer who is a member of, or associated with, the BODA member's firm is a party or represents a party.

III. CLASSIFICATION APPEALS

Rule 3.01. Notice of Right to Appeal

(a) If a grievance filed by the Complainant under TRDP 2.10 is classified as an inquiry, the CDC must notify the Complainant of his or her right to appeal as set out in TRDP 2.10 or another applicable rule. If a grievance is classified as a complaint, the CDC must notify both the Complainant and the Respondent of the Respondent's right to appeal as set out in TRDP 2.10 or another applicable rule.

(b) To facilitate the potential filing of an appeal of a grievance classified as an inquiry, the CDC must send the Complainant an appeal notice form, approved by BODA, with the classification disposition. For a grievance classified as a complaint, the CDC must send the Respondent an appeal notice form, approved by BODA, with notice of the classification disposition. The form must

include the docket number of the matter; the deadline for appealing; and information for mailing, faxing, or emailing the appeal notice form to BODA. The appeal notice form must be available in English and Spanish.

Rule 3.02. Record on Appeal

BODA must not consider documents or other submissions that the Complainant or Respondent filed with the CDC or BODA after the CDC's classification. When a notice of appeal from a classification decision has been filed, the CDC must forward to BODA a copy of the grievance and all supporting documentation. If the appeal challenges the classification of an amended grievance, the CDC must also send BODA a copy of the initial grievance, unless it has been destroyed.

Rule 3.03. Disposition of Classification Appeal

(a) BODA may decide a classification appeal by doing any of the following:

(1) affirm the CDC's classification of the grievance as an inquiry and the dismissal of the grievance;

(2) reverse the CDC's classification of the grievance as an inquiry, reclassify the grievance as a complaint, and return the matter to the CDC for investigation, just cause determination, and further proceedings in accordance with the TRDP;

(3) affirm the CDC's classification of the grievance as a complaint and return the matter to the CDC to proceed with investigation, just cause determination, and further proceedings in accordance with the TRDP; or

(4) reverse the CDC's classification of the grievance as a complaint, reclassify the grievance as an inquiry, and dismiss the grievance.

(b) When BODA reverses the CDC's inquiry classification and reclassifies a grievance as a complaint, BODA must reference any provisions of the TDRPC under which BODA concludes professional misconduct is alleged. When BODA affirms the CDC's complaint classification, BODA may reference any provisions of the TDRPC under which BODA concludes professional misconduct is alleged. The scope of investigation will be determined by the CDC in accordance with TRDP 2.12.

(c) BODA's decision in a classification appeal is final and conclusive, and such decision is not subject to appeal or reconsideration.

(d) A classification appeal decision under (a)(1) or (4), which results in dismissal, has no bearing on whether the Complainant may amend the grievance and resubmit it to the CDC under TRDP 2.10.

IV. APPEALS FROM EVIDENTIARY PANEL HEARINGS

Rule 4.01. Perfecting Appeal

(a) **Appellate Timetable.** The date that the evidentiary

judgment is signed starts the appellate timetable under this section. To make TRDP 2.21 [2.20] consistent with this requirement, the date that the judgment is signed is the “date of notice” under Rule [TRDP] 2.21 [2.20].

(b) Notification of the Evidentiary Judgment. The clerk of the evidentiary panel must notify the parties of the judgment as set out in TRDP 2.21 [2.20].

(1) The evidentiary panel clerk must notify the Commission and the Respondent in writing of the judgment. The notice must contain a clear statement that any appeal of the judgment must be filed with BODA within 30 days of the date that the judgment was signed. The notice must include a copy of the judgment rendered.

(2) The evidentiary panel clerk must notify the Complainant that a judgment has been rendered and provide a copy of the judgment, unless the evidentiary panel dismissed the case or imposed a private reprimand. In the case of a dismissal or private reprimand, the evidentiary panel clerk must notify the Complainant of the decision and that the contents of the judgment are confidential. Under TRDP 2.16, no additional information regarding the contents of a judgment of dismissal or private reprimand may be disclosed to the Complainant.

(c) Filing Notice of Appeal. An appeal is perfected when a written notice of appeal is filed with BODA. If a notice of appeal and any other accompanying documents are mistakenly filed with the evidentiary panel clerk, the notice is deemed to have been filed the same day with BODA, and the evidentiary panel clerk must immediately send the BODA Clerk a copy of the notice and any accompanying documents.

(d) Time to File. In accordance with TRDP 2.24 [2.23], the notice of appeal must be filed within 30 days after the date the judgment is signed. In the event a motion for new trial or motion to modify the judgment is timely filed with the evidentiary panel, the notice of appeal must be filed with BODA within 90 days from the date the judgment is signed.

(e) Extension of Time. A motion for an extension of time to file the notice of appeal must be filed no later than 15 days after the last day allowed for filing the notice of appeal. The motion must comply with Rule 1.09.

Rule 4.02. Record on Appeal

(a) Contents. The record on appeal consists of the evidentiary panel clerk’s record and, where necessary to the appeal, a reporter’s record of the evidentiary panel hearing.

(b) Stipulation as to Record. The parties may designate parts of the clerk’s record and the reporter’s record to be included in the record on appeal by written stipulation filed with the clerk of the evidentiary panel.

(c) Responsibility for Filing Record.

(1) Clerk’s Record.

(i) After receiving notice that an appeal has been filed, the clerk of the evidentiary panel is responsible for preparing, certifying, and timely filing the clerk’s record.

(ii) Unless the parties stipulate otherwise, the clerk’s record on appeal must contain the items listed in TRAP 34.5(a) and any other paper on file with the evidentiary panel, including the election letter, all pleadings on which the hearing was held, the docket sheet, the evidentiary panel’s charge, any findings of fact and conclusions of law, all other pleadings, the judgment or other orders appealed from, the notice of decision sent to each party, any postsubmission pleadings and briefs, and the notice of appeal.

(iii) If the clerk of the evidentiary panel is unable for any reason to prepare and transmit the clerk’s record by the due date, he or she must promptly notify BODA and the parties, explain why the clerk’s record cannot be timely filed, and give the date by which he or she expects the clerk’s record to be filed.

(2) Reporter’s Record.

(i) The court reporter for the evidentiary panel is responsible for timely filing the reporter’s record if:

- a) a notice of appeal has been filed;
- b) a party has requested that all or part of the reporter’s record be prepared; and
- c) the party requesting all or part of the reporter’s record has paid the reporter’s fee or has made satisfactory arrangements with the reporter.

(ii) If the court reporter is unable for any reason to prepare and transmit the reporter’s record by the due date, he or she must promptly notify BODA and the parties, explain the reasons why the reporter’s record cannot be timely filed, and give the date by which he or she expects the reporter’s record to be filed.

(d) Preparation of Clerk’s Record.

(1) To prepare the clerk’s record, the evidentiary panel clerk must:

- (i) gather the documents designated by the parties’ written stipulation or, if no stipulation was filed, the documents required under (c)(1)(ii);
- (ii) start each document on a new page;
- (iii) include the date of filing on each document;
- (iv) arrange the documents in chronological order, either by the date of filing or the date of occurrence;
- (v) number the pages of the clerk’s record in the manner required by (d)(2);

(vi) prepare and include, after the front cover of the clerk's record, a detailed table of contents that complies with (d)(3); and

(vii) certify the clerk's record.

(2) The clerk must start the page numbering on the front cover of the first volume of the clerk's record and continue to number all pages consecutively—including the front and back covers, tables of contents, certification page, and separator pages, if any—until the final page of the clerk's record, without regard for the number of volumes in the clerk's record, and place each page number at the bottom of each page.

(3) The table of contents must:

(i) identify each document in the entire record (including sealed documents); the date each document was filed; and, except for sealed documents, the page on which each document begins;

(ii) be double-spaced;

(iii) conform to the order in which documents appear in the clerk's record, rather than in alphabetical order;

(iv) contain bookmarks linking each description in the table of contents (except for descriptions of sealed documents) to the page on which the document begins; and

(v) if the record consists of multiple volumes, indicate the page on which each volume begins.

(e) **Electronic Filing of the Clerk's Record.** The evidentiary panel clerk must file the record electronically. When filing a clerk's record in electronic form, the evidentiary panel clerk must:

(1) file each computer file in text-searchable Portable Document Format (PDF);

(2) create electronic bookmarks to mark the first page of each document in the clerk's record;

(3) limit the size of each computer file to 100 MB or less, if possible; and

(4) directly convert, rather than scan, the record to PDF, if possible.

(f) **Preparation of the Reporter's Record.**

(1) The appellant, at or before the time prescribed for perfecting the appeal, must make a written request for the reporter's record to the court reporter for the evidentiary panel. The request must designate the portion of the evidence and other proceedings to be included. A copy of the request must be filed with the evidentiary panel and BODA and must be served on the appellee. The reporter's record must be certified by the court reporter for the evidentiary panel.

(2) The court reporter or recorder must prepare and file the reporter's record in accordance with TRAP 34.6 and

35 and the Uniform Format Manual for Texas Reporters' Records.

(3) The court reporter or recorder must file the reporter's record in an electronic format by emailing the document to the email address designated by BODA for that purpose.

(4) The court reporter or recorder must include either a scanned image of any required signature or "/s/" and name typed in the space where the signature would otherwise

(6¹) In exhibit volumes, the court reporter or recorder must create bookmarks to mark the first page of each exhibit document.

(g) **Other Requests.** At any time before the clerk's record is prepared, or within ten days after service of a copy of appellant's request for the reporter's record, any party may file a written designation requesting that additional exhibits and portions of testimony be included in the record. The request must be filed with the evidentiary panel and BODA and must be served on the other party.

(h) **Inaccuracies or Defects.** If the clerk's record is found to be defective or inaccurate, the BODA Clerk must inform the clerk of the evidentiary panel of the defect or inaccuracy and instruct the clerk to make the correction. Any inaccuracies in the reporter's record may be corrected by agreement of the parties without the court reporter's recertification. Any dispute regarding the reporter's record that the parties are unable to resolve by agreement must be resolved by the evidentiary panel.

(i) **Appeal from Private Reprimand.** Under TRDP 2.16, in an appeal from a judgment of private reprimand, BODA must mark the record as confidential, remove the attorney's name from the case style, and take any other steps necessary to preserve the confidentiality of the private reprimand.

¹ So in original.

Rule 4.03. Time to File Record

(a) **Timetable.** The clerk's record and reporter's record must be filed within 60 days after the date the judgment is signed. If a motion for new trial or motion to modify the judgment is filed with the evidentiary panel, the clerk's record and the reporter's record must be filed within 120 days from the date the original judgment is signed, unless a modified judgment is signed, in which case the clerk's record and the reporter's record must be filed within 60 days of the signing of the modified judgment. Failure to file either the clerk's record or the reporter's record on time does not affect BODA's jurisdiction, but may result in BODA's exercising its discretion to dismiss the appeal, affirm the judgment appealed from, disregard materials filed late, or apply presumptions against the appellant.

(b) **If No Record Filed.**

(1) If the clerk's record or reporter's record has not been

timely filed, the BODA Clerk must send notice to the party responsible for filing it, stating that the record is late and requesting that the record be filed within 30 days. The BODA Clerk must send a copy of this notice to all the parties and the clerk of the evidentiary panel.

(2) If no reporter's record is filed due to appellant's fault, and if the clerk's record has been filed, BODA may, after first giving the appellant notice and a reasonable opportunity to cure, consider and decide those issues or points that do not require a reporter's record for a decision. BODA may do this if no reporter's record has been filed because:

- (i) the appellant failed to request a reporter's record; or
- (ii) the appellant failed to pay or make arrangements to pay the reporter's fee to prepare the reporter's record, and the appellant is not entitled to proceed without payment of costs.

(c) Extension of Time to File the Reporter's Record.

When an extension of time is requested for filing the reporter's record, the facts relied on to reasonably explain the need for an extension must be supported by an affidavit of the court reporter. The affidavit must include the court reporter's estimate of the earliest date when the reporter's record will be available for filing.

(d) Supplemental Record. If anything material to either party is omitted from the clerk's record or reporter's record, BODA may, on written motion of a party or on its own motion, direct a supplemental record to be certified and transmitted by the clerk for the evidentiary panel or the court reporter for the evidentiary panel.

Rule 4.04. Copies of the Record

The record may not be withdrawn from the custody of the BODA Clerk. Any party may obtain a copy of the record or any designated part thereof by making a written request to the BODA Clerk and paying any charges for reproduction in advance.

Rule 4.05. Requisites of Briefs

(a) Appellant's Filing Date. Appellant's brief must be filed within 30 days after the clerk's record or the reporter's record is filed, whichever is later.

(b) Appellee's Filing Date. Appellee's brief must be filed within 30 days after the appellant's brief is filed.

(c) Contents. Briefs must contain:

- (1) a complete list of the names and addresses of all parties to the final decision and their counsel;
- (2) a table of contents indicating the subject matter of each issue or point, or group of issues or points, with page references where the discussion of each point relied on may be found;
- (3) an index of authorities arranged alphabetically and

indicating the pages where the authorities are cited;

(4) a statement of the case containing a brief general statement of the nature of the cause or offense and the result;

(5) a statement, without argument, of the basis of BODA's jurisdiction;

(6) a statement of the issues presented for review or points of error on which the appeal is predicated;

(7) a statement of facts that is without argument, is supported by record references, and details the facts relating to the issues or points relied on in the appeal;

(8) the argument and authorities;

(9) conclusion and prayer for relief;

(10) a certificate of service; and

(11) an appendix of record excerpts pertinent to the issues presented for review.

(d) Length of Briefs; Contents Included and Excluded.

In calculating the length of a document, every word and every part of the document, including headings, footnotes, and quotations, must be counted except the following: caption, identity of the parties and counsel, statement regarding oral argument, table of contents, index of authorities, statement of the case, statement of issues presented, statement of the jurisdiction, signature, proof of service, certificate of compliance, and appendix. Briefs must not exceed 15,000 words if computer-generated, and 50 pages if not, except on leave of BODA. A reply brief must not exceed 7,500 words if computer-generated, and 25 pages if not, except on leave of BODA. A computer generated document must include a certificate by counsel or the unrepresented party stating the number of words in the document. The person who signs the certification may rely on the word count of the computer program used to prepare the document.

(e) Amendment or Supplementation. BODA has discretion to grant leave to amend or supplement briefs.

(f) Failure of the Appellant to File a Brief. If the appellant fails to timely file a brief, BODA may:

- (1) dismiss the appeal for want of prosecution, unless the appellant reasonably explains the failure, and the appellee is not significantly injured by the appellant's failure to timely file a brief;
- (2) decline to dismiss the appeal and make further orders within its discretion as it considers proper; or
- (3) if an appellee's brief is filed, regard that brief as correctly presenting the case and affirm the evidentiary panel's judgment on that brief without examining the record.

Rule 4.06. Oral Argument

(a) Request. A party desiring oral argument must note the

request on the front cover of the party's brief. A party's failure to timely request oral argument waives the party's right to argue. A party who has requested argument may later withdraw the request. But even if a party has waived oral argument, BODA may direct the party to appear and argue. If oral argument is granted, the clerk will notify the parties of the time and place for submission.

(b) **Right to Oral Argument.** A party who has filed a brief and who has timely requested oral argument may argue the case to BODA unless BODA, after examining the briefs, decides that oral argument is unnecessary for any of the following reasons:

- (1) the appeal is frivolous;
- (2) the dispositive issue or issues have been authoritatively decided;
- (3) the facts and legal arguments are adequately presented in the briefs and record; or
- (4) the decisional process would not be significantly aided by oral argument.

(c) **Time Allowed.** Each party will have 20 minutes to argue. BODA may, on the request of a party or on its own, extend or shorten the time allowed for oral argument. The appellant may reserve a portion of his or her allotted time for rebuttal.

Rule 4.07. Decision and Judgment

(a) **Decision.** BODA may do any of the following:

- (1) affirm in whole or in part the decision of the evidentiary panel;
- (2) modify the panel's findings and affirm the findings as modified;
- (3) reverse in whole or in part the panel's findings and render the decision that the panel should have rendered; or
- (4) reverse the panel's findings and remand the cause for further proceedings to be conducted by:
 - (i) the panel that entered the findings; or
 - (ii) a statewide grievance committee panel appointed by BODA and composed of members selected from the state bar districts other than the district from which the appeal was taken.

(b) **Mandate.** In every appeal, the BODA Clerk must issue a mandate in accordance with BODA's judgment and send it to the evidentiary panel and to all the parties.

Rule 4.08. Appointment of Statewide Grievance Committee

If BODA remands a cause for further proceedings before a statewide grievance committee, the BODA Chair will appoint the statewide grievance committee in accordance with TRDP 2.27 [2.26]. The committee must consist of six members: four attorney members and two public members

randomly selected from the current pool of grievance committee members. Two alternates, consisting of one attorney and one public member, must also be selected. BODA will appoint the initial chair who will serve until the members of the statewide grievance committee elect a chair of the committee at the first meeting. The BODA Clerk will notify the Respondent and the CDC that a committee has been appointed.

Rule 4.09. Involuntary Dismissal

Under the following circumstances and on any party's motion or on its own initiative after giving at least ten days' notice to all parties, BODA may dismiss the appeal or affirm the appealed judgment or order. Dismissal or affirmance may occur if the appeal is subject to dismissal:

- (a) for want of jurisdiction;
- (b) for want of prosecution; or
- (c) because the appellant has failed to comply with a requirement of these rules, a court order, or a notice from the clerk requiring a response or other action within a specified time.

V. PETITIONS TO REVOKE PROBATION

Rule 5.01. Initiation and Service

(a) Before filing a motion to revoke the probation of an attorney who has been sanctioned, the CDC must contact the BODA Clerk to confirm whether the next regularly available hearing date will comply with the 30-day requirement of TRDP. The Chair may designate a three-member panel to hear the motion, if necessary, to meet the 30-day requirement of TRDP 2.23 [2.22].

(b) Upon filing the motion, the CDC must serve the Respondent with the motion and any supporting documents in accordance with TRDP 2.23 [2.22], the TRCP, and these rules. The CDC must notify BODA of the date that service is obtained on the Respondent.

Rule 5.02. Hearing

Within 30 days of service of the motion on the Respondent, BODA must docket and set the matter for a hearing and notify the parties of the time and place of the hearing. On a showing of good cause by a party or on its own motion, BODA may continue the case to a future hearing date as circumstances require.

VI. COMPULSORY DISCIPLINE

Rule 6.01. Initiation of Proceeding

Under TRDP 8.03, the CDC must file a petition for compulsory discipline with BODA and serve the Respondent in accordance with the TRDP and Rule 1.06 of these rules.

Rule 6.02. Interlocutory Suspension

(a) **Interlocutory Suspension.** In any compulsory proceeding under TRDP Part VIII in which BODA

determines that the Respondent has been convicted of an Intentional Crime and that the criminal conviction is on direct appeal, BODA must suspend the Respondent's license to practice law by interlocutory order. In any compulsory case in which BODA has imposed an interlocutory order of suspension, BODA retains jurisdiction to render final judgment after the direct appeal of the criminal conviction is final. For purposes of rendering final judgment in a compulsory discipline case, the direct appeal of the criminal conviction is final when the appellate court issues its mandate.

(b) **Criminal Conviction Affirmed.** If the criminal conviction made the basis of a compulsory interlocutory suspension is affirmed and becomes final, the CDC must file a motion for final judgment that complies with TRDP 8.05.

(1) If the criminal sentence is fully probated or is an order of deferred adjudication, the motion for final judgment must contain notice of a hearing date. The motion will be set on BODA's next available hearing date.

(2) If the criminal sentence is not fully probated:

(i) BODA may proceed to decide the motion without a hearing if the attorney does not file a verified denial within ten days of service of the motion; or

(ii) BODA may set the motion for a hearing on the next available hearing date if the attorney timely files a verified denial.

(c) **Criminal Conviction Reversed.** If an appellate court issues a mandate reversing the criminal conviction while a Respondent is subject to an interlocutory suspension, the Respondent may file a motion to terminate the interlocutory suspension. The motion to terminate the interlocutory suspension must have certified copies of the decision and mandate of the reversing court attached. If the CDC does not file an opposition to the termination within ten days of being served with the motion, BODA may proceed to decide the motion without a hearing or set the matter for a hearing on its own motion. If the CDC timely opposes the motion, BODA must set the motion for a hearing on its next available hearing date. An order terminating an interlocutory order of suspension does not automatically reinstate a Respondent's license.

VII. RECIPROCAL DISCIPLINE

Rule 7.01. Initiation of Proceeding

To initiate an action for reciprocal discipline under TRDP Part IX, the CDC must file a petition with BODA and request an Order to Show Cause. The petition must request that the Respondent be disciplined in Texas and have attached to it any information concerning the disciplinary matter from the other jurisdiction, including a certified copy of the order or judgment rendered against the Respondent.

Rule 7.02. Order to Show Cause

When a petition is filed, the Chair immediately issues a show cause order and a hearing notice and forwards them to the CDC, who must serve the order and notice on the Respondent. The CDC must notify BODA of the date that service is obtained.

Rule 7.03. Attorney's Response

If the Respondent does not file an answer within 30 days of being served with the order and notice but thereafter appears at the hearing, BODA may, at the discretion of the Chair, receive testimony from the Respondent relating to the merits of the petition.

VIII. DISTRICT DISABILITY COMMITTEE HEARINGS

Rule 8.01. Appointment of District Disability Committee

(a) If the evidentiary panel of the grievance committee finds under TRDP 2.17(P)(2), or the CDC reasonably believes under TRDP 2.14(C), that a Respondent is suffering from a disability, the rules in this section will apply to the de novo proceeding before the District Disability Committee held under TRDP Part XII.

(b) Upon receiving an evidentiary panel's finding or the CDC's referral that an attorney is believed to be suffering from a disability, the BODA Chair must appoint a District Disability Committee in compliance with TRDP 12.02 and designate a chair. BODA will reimburse District Disability Committee members for reasonable expenses directly related to service on the District Disability Committee. The BODA Clerk must notify the CDC and the Respondent that a committee has been appointed and notify the Respondent where to locate the procedural rules governing disability proceedings.

(c) A Respondent who has been notified that a disability referral will be or has been made to BODA may, at any time, waive in writing the appointment of the District Disability Committee or the hearing before the District Disability Committee and enter into an agreed judgment of indefinite disability suspension, provided that the Respondent is competent to waive the hearing. If the Respondent is not represented, the waiver must include a statement affirming that the Respondent has been advised of the right to appointed counsel and waives that right as well.

(d) All pleadings, motions, briefs, or other matters to be filed with the District Disability Committee must be filed with the BODA Clerk.

(e) Should any member of the District Disability Committee become unable to serve, the BODA Chair must appoint a substitute member.

Rule 8.02. Petition and Answer

(a) **Petition.** Upon being notified that the District Disability Committee has been appointed by BODA, the

CDC must, within 20 days, file with the BODA Clerk and serve on the Respondent a copy of a petition for indefinite disability suspension. Service must comply with Rule 1.06.

(b) **Answer.** The Respondent must, within 30 days after service of the petition for indefinite disability suspension, file an answer with the BODA Clerk and serve a copy of the answer on the CDC.

(c) **Hearing Setting.** The BODA Clerk must set the final hearing as instructed by the chair of the District Disability Committee and send notice of the hearing to the parties.

Rule 8.03. Discovery

(a) **Limited Discovery.** The District Disability Committee may permit limited discovery. The party seeking discovery must file with the BODA Clerk a written request that makes a clear showing of good cause and substantial need and a proposed order. If the District Disability Committee authorizes discovery in a case, it must issue a written order. The order may impose limitations or deadlines on the discovery.

(b) **Physical or Mental Examinations.** On written motion by the Commission or on its own motion, the District Disability Committee may order the Respondent to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. Nothing in this rule limits the Respondent's right to an examination by a professional of his or her choice in addition to any exam ordered by the District Disability Committee.

(1) Motion. The Respondent must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.

(2) Report. The examining professional must file with the BODA Clerk a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the CDC and the Respondent.

(c) **Objections.** A party must make any objection to a request for discovery within 15 days of receiving the motion by filing a written objection with the BODA Clerk. BODA may decide any objection or contest to a discovery motion.

Rule 8.04. Ability to Compel Attendance

The Respondent and the CDC may confront and cross-examine witnesses at the hearing. Compulsory process to compel the attendance of witnesses by subpoena, enforceable by an order of a district court of proper jurisdiction, is available to the Respondent and the CDC as provided in TRCP 176.

Rule 8.05. Respondent's Right to Counsel

(a) The notice to the Respondent that a District Disability Committee has been appointed and the petition for

indefinite disability suspension must state that the Respondent may request appointment of counsel by BODA to represent him or her at the disability hearing. BODA will reimburse appointed counsel for reasonable expenses directly related to representation of the Respondent.

(b) To receive appointed counsel under TRDP 12.02, the Respondent must file a written request with the BODA Clerk within 30 days of the date that Respondent is served with the petition for indefinite disability suspension. A late request must demonstrate good cause for the Respondent's failure to file a timely request.

Rule 8.06. Hearing

The party seeking to establish the disability must prove by a preponderance of the evidence that the Respondent is suffering from a disability as defined in the TRDP. The chair of the District Disability Committee must admit all relevant evidence that is necessary for a fair and complete hearing. The TRE are advisory but not binding on the chair.

Rule 8.07. Notice of Decision

The District Disability Committee must certify its finding regarding disability to BODA, which will issue the final judgment in the matter.

Rule 8.08. Confidentiality

All proceedings before the District Disability Committee and BODA, if necessary, are closed to the public. All matters before the District Disability Committee are confidential and are not subject to disclosure or discovery, except as allowed by the TRDP or as may be required in the event of an appeal to the Supreme Court of Texas.

IX. DISABILITY REINSTATEMENTS

Rule 9.01. Petition for Reinstatement

(a) An attorney under an indefinite disability suspension may, at any time after he or she has been suspended, file a verified petition with BODA to have the suspension terminated and to be reinstated to the practice of law. The petitioner must serve a copy of the petition on the CDC in the manner required by TRDP 12.06. The TRCP apply to a reinstatement proceeding unless they conflict with these rules.

(b) The petition must include the information required by TRDP 12.06. If the judgment of disability suspension contained terms or conditions relating to misconduct by the petitioner prior to the suspension, the petition must affirmatively demonstrate that those terms have been complied with or explain why they have not been satisfied. The petitioner has a duty to amend and keep current all information in the petition until the final hearing on the merits. Failure to do so may result in dismissal without notice.

(c) Disability reinstatement proceedings before BODA are not confidential; however, BODA may make all or any part of the record of the proceeding confidential.

Rule 9.02. Discovery

The discovery period is 60 days from the date that the petition for reinstatement is filed. The BODA Clerk will set the petition for a hearing on the first date available after the close of the discovery period and must notify the parties of the time and place of the hearing. BODA may continue the hearing for good cause shown.

Rule 9.03. Physical or Mental Examinations

(a) On written motion by the Commission or on its own, BODA may order the petitioner seeking reinstatement to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. The petitioner must be served with a copy of the motion and given at least seven days to respond. BODA may hold a hearing before ruling on the motion but is not required to do so.

(b) The petitioner must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.

(c) The examining professional must file a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the parties.

(d) If the petitioner fails to submit to an examination as ordered, BODA may dismiss the petition without notice.

(e) Nothing in this rule limits the petitioner's right to an examination by a professional of his or her choice in addition to any exam ordered by BODA.

Rule 9.04. Judgment

If, after hearing all the evidence, BODA determines that the petitioner is not eligible for reinstatement, BODA may, in its discretion, either enter an order denying the petition or direct that the petition be held in abeyance for a reasonable period of time until the petitioner provides additional proof as directed by BODA. The judgment may include other orders necessary to protect the public and the petitioner's potential clients.

X. APPEALS FROM BODA TO THE SUPREME COURT OF TEXAS**Rule 10.01. Appeals to the Supreme Court**

(a) A final decision by BODA, except a determination that a statement constitutes an inquiry or a complaint under TRDP 2.10, may be appealed to the Supreme Court of Texas. The clerk of the Supreme Court of Texas must docket an appeal from a decision by BODA in the same manner as a petition for review without fee.

(b) The appealing party must file the notice of appeal directly with the clerk of the Supreme Court of Texas within 14 days of receiving notice of a final determination by BODA. The record must be filed within 60 days after

BODA's determination. The appealing party's brief is due 30 days after the record is filed, and the responding party's brief is due 30 days thereafter. The BODA Clerk must send the parties a notice of BODA's final decision that includes the information in this paragraph.

(c) An appeal to the Supreme Court is governed by TRDP 7.11 and the TRAP.