



**Ross Fischer**  
LAW

**PRIVILEGED & CONFIDENTIAL MEMORANDUM**

**TO: Mayor & City Council**  
**City of Fate, Texas**

**FROM: Ross Fischer**  
**Ross Fischer Law, PLLC**

**DATE: June 1, 2026**

**RE: Investigation of Complaint Filed by Council Member Harper Against Mayor Greenberg**

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**Background**

On May 4, 2026, City Council authorized an investigation of an alleged violation of the City's Code of Ethics contained in the April 16, 2026, complaint filed by Council Member Mark Harper against Mayor Andrew Greenberg. Council deemed as valid the alleged violation of Section 2-309(6) of the Code of Ethics. The Council extended the deadline for this investigative report to June 1, 2026.

**A. The Allegation**

Section 2-309(6) of the Code of Ethics prohibits a City officer from disclosing confidential information. The Code of Ethics defines "confidential information" as:

"any information to which an official has access in such person's official capacity which may not be disclosed to the public except pursuant to state and/or federal law and which is not otherwise a matter of public record or public knowledge. Confidential information includes the following information, however transmitted: (i) any information from a meeting closed to the public pursuant to the Texas Open Meetings Act or other law regardless of whether disclosure violates the Texas Open Meetings Act or Texas Public Information Act; (ii) any information protected by attorney client, attorney work product, or other applicable legal privilege; and (iii) any information deemed confidential by law."

The complaint asserts that Mayor Greenberg violated the confidentiality provision by releasing a recording that contained confidential information. The recording at issue was

made by Mayor Greenberg and was a wide-ranging conversation with then-Council Member Codi Chinn. Near the end of the recording, then Council-Member Mark Harper joined the call.<sup>1</sup>

To analyze this allegation, it is helpful to establish a chronology of events:

- **December 8, 2025.** Mayor Greenberg provided the recording to the City Secretary's office in response to Public Information Request R001741-120125 (which was ultimately withdrawn by the requestor).
- **December 9, 2025.** The City Secretary's office provided the recording to attorneys Jennifer Richie and Melissa Crawford at Messer Fort.
- **December 10, 2025.** The City Secretary's office provided the recording to attorney Michael Kallas at Messer Fort.
- **January 2, 2026.** Mayor Greenberg, by his own admission, grants Michael Pipkins access to portions of the recording.
- **January 5, 2026.** Quotes from the recording were referenced in a post on the website pipkinsreport.com.
- **January 29, 2026.** The City Secretary's office was provided to the members of City Council in response to a request made by then-Council Member Chinn. Copied on the email were Michael Kovacs, Steven Downs, Jennifer Richie, and Samantha Harris. The recording was also provided, again, to Michael Kallas at Messer Fort. The transmittal email made clear that portions of the recording were confidential and that the city attorney should be consulted with questions about the contents of the recording.
- **February 2, 2026.** City Council voted to waive the deliberative privilege and make the recording public.
- **February 5, 2026.** Messer Fort submitted the confidential (non-waived) portions of the recording to the Attorney General for review. That same day, members of the City Council – including Mayor Greenberg – received a copy of the brief outlining the contents that the city sought to protect.
- **May 14, 2026.** Mayor Greenberg received copies of the City's briefing to the Attorney General and the Attorney General's response, detailing which portions of the recording are confidential by law.

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<sup>1</sup> Council Member Mark Harper was added to the call for the express purpose of relaying details of his conversation with Council Member Martha Huffman. Mr. Harper relayed to Chinn and Greenberg details of Ms. Huffman's position regarding the police chief's performance and employment. Though outside the scope of this analysis, three members of council convening by telephone to discuss the policy positions of a fourth council member likely raises "walking quorum" issues under the Texas Open Meetings Act.

The blog post at issue appeared on pipkinsreport.com on January 5, 2026, and included the following:

*However, this statement conflicts with a separate recording made three days later by **Witness #2**, this time with Codi Chinn. In this recording, Chinn reveals that she had talked with Kovacs, [three days prior] and that a plan is already in place to terminate the chief, saying, “it’s happening”, in reference to the firing of Chief Lombard.*

The quoted language comes directly from Mayor Greenberg’s recording of Council Member Chinn, where it can be found near the 18:30 mark.

*Confidentiality of the Recording.* Personnel matters, including evaluation of a city employee’s job performance, are generally discussed in closed session, unless the affected employee opts for a public discussion. Here, the recording included discussions regarding:

- The performance of the police chief and members of the police department;
- The city manager’s job performance and his deliberative process as it related to City personnel matters;
- Inclusion of an employment law specialist in executive session;
- A former city employee’s neurological condition, family status, and termination;
- The possibility of the police chief suing the city;
- Grounds for terminating the chief of police;
- Officer compensation issues;
- Protected health information of a city employee, including family information; and
- Council Member Chinn’s plan to present complaints in executive session.

The City Council recognized that the recording contained confidential information when, on February 2, 2026, it waived the deliberative privilege and authorized the official release of the recording. Further, the city successfully asserted to the Texas Attorney General that portions of the recording are confidential.<sup>2</sup>

*Response by Mayor Greenberg.* In response to questions, Mayor Greenberg denied providing a copy of the recording to Michael Pipkins. However, he admitted to playing portions of the recording for Pipkins on January 2, 2026. (See Exhibit “A”, my email exchange with Mayor Greenberg.) The mayor also provided a transcript of what he claims are the portions of the recording that he played for Pipkins, which is attached as Exhibit “B”.

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<sup>2</sup> See OR2026-017560 and OR2026-015195.

Assuming that Mayor Greenberg's disclosures were limited to those he has admitted, the contents still contained deliberative processes and personnel matters yet to be waived by the entire council:

- Disclosure the City Manager's deliberative process as it related to terminating the police chief;
- Disclosure of the City Manager's concerns about anticipated litigation;
- Then-Council Member Chinn's deliberations about performing a satisfaction survey in the public safety department;
- Then-Council Member Chinn's deliberative process as it related to a forthcoming closed session; and
- References to a member of the police chief's immediate family.

*Inquiry to Pipkins.* Upon receiving Mayor Greenberg's response, I sought to confirm his version of events with Michael Pipkins. Pipkins offered the following response:

*As a matter of policy and journalistic practice, I do not comment on communications, materials, or interactions involving sources, potential sources, or individuals connected to reporting activities absent a lawful subpoena or court order. Accordingly, I must respectfully decline to answer your questions.*

**Conclusion.** Assuming Mayor Greenberg's response is accurate, he still released deliberative information about personnel decisions a month before Council waived that privilege. Based on Mayor Greenberg's admissions alone, there is credible evidence that he violated Section 2-309(6) of the City's Code of Ethics.