

Herb Vest

Open Letter to the Public

March 31, 2017

Lobby Watch
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Re: Request for retraction of your article in the October 22, 2013 issue

Dear Sir or Madam Anonymous

On March 31, 2017, the Texas Supreme Court denied my petition for review. So I have exhausted the appeals process within Texas. Accordingly, since the divorce case issues are now decided, I can now respond to your article.

Specifically, the article to which I refer is from *LOBBY WATCH*, dated October 22, 2013. The headline read: Dating-Service Owner Selling Out Customers Wooed Texas Politicos. Strangely, the article did not identify an author.

Many publications make it mandatory for the reporter making an allegation to contact the person about whom the article is written for comment before printing. Unfortunately, that was not done. As a result, misinformation spread that wrongly tainted the character of individuals whom I greatly admire for their honesty and courage.

Charge I: Herb Vest made large political contributions beginning in 2003.

My Answer: I made large and small political contribution to various candidates. Local candidates were chosen by my staff. I believed then and I believe now that candidates must be either 1) independently rich or 2) receive money from donors. Otherwise, they will not be elected. That being

the case, it is up to all citizens to support candidates with money donations of \$1 or thousands—whatever they can afford.

The article states that among the top ranked offices in Texas to whom I gave almost \$100,000 included David Dewhurst (Lt. Governor), Rick Perry (Governor), and Gregg Abbott (Attorney-General/now Governor). For the sake of our children, it is imperative that these high offices be staffed with persons of foresight, courage, and strong intellect. They must be steadfastly committed to doing the right thing in the face of the Machiavellian matrix feeding, as it does, on the gullibility of the virtuous; the weakness of the infirmed; the hunger of the impoverished; and the loneliness of the homeless.

To each of these three men, I would have entrusted my life, and, what is more, my children's future. That is why I made contributions to them.

To understand my motives for supporting safer dating legislation, one must understand my background:

My father (aka Buddy) had just turned 25 years old when he was brutally tortured and murdered in his cabinet shop. I was nearly two years old at the time. My dad had just come home from the war in Europe five months earlier in January 1946. My mother while holding me entered his dark shop after midnight to discover his body. His death was ruled a suicide. (In case you didn't know, "suicide", at one time a noun, has now morphed into a verb "suicided".)

My mother never told me what happened to my father until I was in my fifties. Little did she know that I had found out on my own at age eleven about the alleged suicide. Of course, I never told her what I knew.

So, it was no accident that I named the company "True". I was sick of lies and cover-ups between my mother and me. Nor, was it an accident that I required all subscribers to undergo a background check. Anyone with a felony was not allowed to join. Yes. That means "sex" crimes in all their disgusting forms; but also, murder, armed robbery, assault, etc. To my knowledge we only had one incident of a subscriber becoming a victim. That was because the perpetrator had been underage at the time of the original offense and, as a matter of law, not listed on the grid sheet.

Do these three men—Dewhurst, Perry, and Abbott share my concern for safer dating? You had better blanky-blank believe it. If I thought that Dewhurst, Perry, or Abbott could be bought—by me or anyone else—I would not have supported their candidacy.

Charge II: I was selling out customers

My Answer: Mr. or Ms. Anonymous, you should always double and even triple check your sources. If you had called me, I could have put you straight. I could have provided you with several witnesses who would have corroborated my assertions. I could have provided you with documents you might have needed. But, you did not do that. Nor did you apparently bother to consult these sources on your own.

In 2008, True was approaching \$100 million in revenue and was employing over 100 hardworking, intelligent employees most of whom had families to support. As a company we were creating opportunities for single men and women to meet safely and begin a relationship that would eventually result in their happy marriage.

Then the housing bubble burst in September 2008, Lehman went down, and there were not nearly enough life jackets to go around. Congress, rightly or wrongly, responded with legislation in 2009 that resulted in a reduction of about 40% of the credit card business. That big of a reduction in consumer credit hit us hard.

True went into a spin. Our family had to cut our expenses drastically. My wife understandably did not want to cut back our expenses and who could blame her. Accordingly, she filed for divorce on March 15, 2010. By that time both True and I were insolvent.

The judge, apparently unfamiliar with economic realities, ruled that I had to pay my wife's attorney fees. Accordingly, her attorney, Mr. Michael Pezzulli instituted vexatious discovery, motions, and the like. I had to pull enormous sums out of True to pay my lawyers and other bills.

By March 2012, the company's cash flow had declined to the point that I had to stop drawing a salary from True. By May I could no longer pay my attorney, so he was gone while I still owed him over \$100,000. By June, I had no money left with which to pay my wife.

The reason that I had fired myself, fired my lawyer, and, lastly, fired my wife was because the company did not have the money to pay us. It was not spitefulness it was simple arithmetic. Nevertheless, Judge Garcia flew into a rage and granted child support that was not in accordance with the law.

On August 1, 2012, True filed for bankruptcy. I also took personal bankruptcy. I listed my assets and liabilities and True's assets and liabilities as of that date. Those statements of financial condition are a part of the bankruptcy files. **At that date—August 1, 2012—I lost**

control of True. The alleged violations against which the Attorney General took appropriate action occurred several months after I had lost control of True.

Legally, after August 1, 2012 I became a *persona non grata*, as it were, with respect to True. I could not write a check, approve a check, request a check, or engage in any other business matter on behalf of True. That means, among other things, that I could not have made an offer to sell; nor solicited an offer to buy; nor enter into a negotiation to sell; nor veto any agreement made by the Trustee to transfer ownership of True. **The person that did have that power was the bankruptcy trustee.**

He never discussed a contemplated sell of True with me. Whatever went down was between the Trustee and the Attorney General. It had nothing to do with me.

My guess, and it is only a guess, is that when the Attorney General's office found out that the issue was an anomalous one, involving a federally appointed trustee acting without the intent to defraud, saw nothing to be gained by wasting the taxpayers money on the prosecution of a Trustee, who was protected under the aegis of a federal mandate.

The management of the company passed to the bankruptcy trustee, Mr. Christopher J. Moser, an attorney in Dallas. Mr. Moser, without consulting me, looked for a buyer for the company so that his trustee fees could be paid from the sale. I did not know that he was looking for a buyer. I did not know that he found a buyer (I guess that is what all this was over). I did not sign any papers authorizing him to sell the company. Whatever Mr. Moser did or did not do with respect to his tenure as trustee had nothing to do with me.

Charge III: Vest previously boosted the value of his H.D. Vest accounting firm by lobbying state governments to let accountants sell financial advice.

My Answer: Objection: Irrelevant. But the answer is: If you are referring to H.D. Vest Financial Services, it is not nor has it ever been an accounting firm. The issue was not selling financial advice—accountants had been selling advice for years. They did not need additional legislation to sell advice.

Charge IV: Vest's True.com site distinguished itself by conducting background checks to weed out married people and felons. To get a leg up,

Vest lobbied states to force dating sites to conduct such screens or to warn users that they don't.

My Answer: And, Mr. or Ms. Anonymous, this is a bad thing how? For the life of me I don't know why anyone, especially another dating site, would oppose it. Think for a minute. Why don't more people use dating sites? Well, don't you think it could be they are afraid of meeting a stranger in a strange place and being raped, robbed, assaulted, drugged, murdered, kidnapped, or, God please forbid, eventually bringing a pedophile home to meet their children?

There is a story concerning a man who was incarcerated because he didn't believe in paying the government taxes. One day his friend, Ralph came by his jail cell to visit. Ralph looked his friend Henry in the eye and said with a curious expression: "Henry, what are you doing in there?" Henry replied with contempt: "Ralph what you are doing out there?" Henry was, of course, in jail because he stood up for what he believed in. He was informing his friend that he likewise should be standing up to the perceived tyranny. Taxes are not the point. It is standing up for what one believes is right is the point. That is why I contributed to each of those candidates.

Yes! Yes!! A thousand times yes!!! I lobbied for safer dating!!! What I am **REALLY** ashamed of is that I didn't camp outside every capital in every state for twenty-four hours/day with a placard until a safer dating bill was passed. I wonder each day how many victims would have been saved if I had just lobbied harder.

Mr. or Ms. Anonymous, don't you know why the competitors opposed safer dating? At one point I asked my analytical department how many customers we turned down because they had previous felony convictions or were married. It was over 10% or roughly \$9 million in 2008. And of course, the expense of running background checks also lowered our net income.

Come on, doesn't that give you a clue? Safer dating was opposed by our competitors because it would lower their bottom line. Meanwhile, every few weeks, an online dating victim would be found stabbed, shot, brutalized, raped—all because the competition cared more about their own profits than about the safety of their subscribers.

Charge V: True ran racy advertisements. "Pervert-attracting porn featuring voluptuous women in undies."

My Answer: As I once told the *New York Times*, I am opposed to pervert-attracting porn but that “True is in favor of sex.” I stand by that statement today.

What is the difference between obscenity and art? The answer was and is “I know it when I see it” *USSC Justice Stewart*, I think. But the advertisements that True used were not porn. In fact, I suggest that our ads were less spicy than the provocatively posed Dallas Cowboy cheerleader that adorned the first page of the April 3, 2017 issue of *Texans for Public Justice*. Speaking of *Justice*, does it not begin and end in truth?

Go the mall. You will see women dressed in fairly skimpy outfits. Many women exposing cleavage (but not nipples) freely stroll down the halls. Dining establishments are named: Hooters and Twin Peaks. In the store windows, one sees life size portraits of attractive women in their underwear or diaphanous evening gowns. The plastic surgeons office waiting room contains many women waiting to have augmentation. **True’s advertisements reflected our cultural norms in a tasteful manner.**

I will not describe the opposite—obscenity for obvious reasons. If an adult wants to engage in porn driven entertainment, that is his or her business. I will not be a part, however, of bringing obscenity into advertisements that might be seen by children or sensitive individuals.

As for sex? You betcha. God gave sex a prominent place in the transfer of the human genome. He wants us to reproduce. He wants us to find fulfillment and happiness in our loving relationship with each other and within the family. Now please follow my logic→ No sex→Many fewer relationships→Fewer relationship→fewer children—fewer children→fewer families→Boring!!

He wants us to have children to love and to appreciate this grand world He gave us. If you think that God made a mistake—if you think God should have found a more pious method of insuring the procreation of our species, then, by all means, you tell Him. I don’t have that kind of hubris.

Love, sex, family, and children are God’s greatest gift to us. I merely wanted True to serve as a catalyst. But, alas,..of mice and men..as it were.

God bless you Mr. or Ms. Anonymous! I pray that He shows you the beauty in His creation. I learned from my experiences in Vietnam that I have been granted one day each morning, many of my comrades were not granted time for love, sex, family, and children. Each day my soul cries: “why me”. I know I have not justified the extra time that He granted. I have come to

mourn for those I have killed and ask forgiveness of their families including their unborn children. If you don't know what I am talking about, you had better get yourself in gear. Life is short.

Humanity needs you Mr. or Ms. Anonymous, there is work to be done, so grab a shovel and bury that bitter pin. There are hungry children to feed. There are sick people sleeping in parks. There are troubled people who are in need of a smile and greeting from a friendly stranger. Someday, you may be asked: "what did you do with all that writing talent I gave you. Who have you helped today Anonymous?"

Whether Herb Vest is a demonic scum sucking pig of a creature is the most irrelevant thing in this world; but, if you insist on writing about me please gets your facts straight. You will not have to look too far or too hard to find examples my many short comings. You do not have to resort to falsities to malign me; but, please, please with honey on it, stick to the verifiable facts.

By-the-by I noticed that I apparently gave Judge Garcia \$100 for one of her campaigns. That was well before my wife filed for divorce. Judge Garcia of the 303rd District Court (DC) was assigned the divorce case.

May I point out that the court of original jurisdiction for the divorce was the 256th DC. No contribution that I know of was made to the presiding judge of the 256th. In other words, the 256th had Subject Matter Jurisdiction over the case. If the court assignment was made competently, in accordance with the judicial rules, there would be no conflict. I am sure that if and when Judge Garcia becomes aware of the conflict, she will refund the \$100—make the check payable to the Scottish Rite Children's Hospital, if you please.

You may contact me if you wish and request my tax returns for the relevant years; a reconciliation of my income and expenses for the last ten years; court records; names of my attorneys—all honorable men and women (I still owe them money so I don't think you need worry about bias).

God Bless you Mr. or Ms. Anonymous, come join me and our gang of other seriously flawed people to make the world a better place for our children.

You know I am not going to sue you for this. But, it would be nice to see the article rewritten and run as a page 1 retraction. I found out yesterday that my daughter has learned to google my name. Please let her read the facts about her father.

Sincerely,

A handwritten signature in black ink, appearing to read "Herb Vest". The signature is written in a cursive, slightly slanted style.

Herb Vest