

## **Criminal Complaint against Officer Marcelo Molfino for Falsification of Police Officer Application**

To: Sour Lake Police Department

From: Michael David Bellow Jr

Marcelo Molfino applied to the City of Sour Lake, TX in July 2024 to be a police officer. His application is riddled with False Statements and False Statements by omission. Among the worst violations, is that Molfino knowingly omitted/falsified major portions of his history which he was required to list. The reason for this falsification was to deceive the investigator looking into his background, and the City of Sour Lake, by hiding key bad actions and illegal or improper activities from previous employment. The falsification of his application worked, as clearly the background investigator hiring report shows the investigator did not even look into or investigate key portions of his background and previous activities. The investigator wouldn't know to look into illegal or improper actions involving Molfino, if Molfino completely omitted any reference or listing of the previous employment and previous activities from his application.

His application questionnaire clearly warns that everything must be listed and mistakes in the past do not automatically disqualify you, but that lying about the past and lies of omission by not listing them is grounds for disqualification and that this is a government record so being untruthful can have criminal consequences. **Not only is lying on a police application a criminal offense of Tampering with a Government Record, but it was also notarized which means it is sworn to in front of a notary as both true and complete answers, which is perjury or aggravated perjury.** It is imperative for a government looking to hire an officer to have the full view of previous employment and actions of the potential new hire officer. No one is perfect and previous negative info wouldn't even prohibit employment in many cases, but lying about it is and should always be grounds for termination, and prosecution, because no officer could or should ever be trusted in the judicial system if they are intentionally and substantially lying in order to deceive.

**The following are the Lies and Omissions of Marcelo Molfino on his City of Sour Lake Police Officer July 2024 Application:**

In the Job Experience application section, it states to list ALL job in past ten years with ALL in caps, and states this means any employment whether self-employment, part time, temporary, or voluntary.

- 1) Marcelo Molfino Does not mention many recent major jobs he worked at and owned, including his employment and involvement with Cell Forensics LLC, Molfino's Catering LLC, SETX Powerwashing, and others.

Mo Molfino intentionally omitted those long standing jobs because many of them were riddled with fraud or illegal activity or controversy.

Molfino's Catering, LLC: This is/was Marcelo Molfino's side business which clearly falls within the past 10 years and was required to be listed on his application. So why not list it on the application? A Beaumont Enterprise news article revealed a recent controversy of the city having to pay a 20k penalty by having Molfino do some catering which was a violation of the legal contract process in place with a different catering company.

<https://www.beaumontenterprise.com/news/article/Documents-Port-Arthur-paid-20K-fee-to-change-15842800.php>

These backdoor deals with paid side work even played a part in his termination recommendation at the Jefferson County District Attorney because, according to an official disciplinary recommendation dated February 23, 2021, Marcelo Molfino was found to have violated county policies by being paid by the City of Port Arthur for catering services while also being paid by Jefferson County for the same time claiming he was on the clock working for the DA at the same time that he was doing his paid side work.

The letter also states that conflicting statements were made about dates and services provided, and that those inconsistencies led county leadership decided he wasn't qualified to serve his capacity of an officer of the court, stating that the conduct was intentionally untruthful.

Cell Forensics, LLC: This is/was Marcelo Molfino's side business which clearly falls within the past 10 years and was required to be listed on his application. So why not list it on the application? Had he listed this previous employment, you would have found that Texas DPS previously determined that Marcelo Molfino was practicing without a license doing private investigation work with Cell Forensics. It was a class A misdemeanor but they allowed him to just apply for a license instead of getting criminal charges, as the Jefferson County DA, his boss, did not want to prosecute Molfino.

But that was only the tip of the iceberg of illegal and unethical activity involving Cell Forensics. Molfino would bill Jefferson County DA's office for hours on the clock for Jefferson County DA, while he would spend the whole day in other courts such as Hardin County civil court, doing private paid side work for Cell Forensics. Multiple people, including Nikki Smith, have accuse him of taking money in civil cases by someone, only to turn around and put on his badge and charge the ex spouse of the person paying them with false charges. In one case, a licensed forensics company out of Houston area. Red Forensics, found that Molfino intentionally lied on

his PI reports that he submitted to his clients, all while practicing without a license. Molfino and Cell Forensics are even being sued for malicious prosecution. Molfino even responded and filed a motion in district court on behalf of Cell Forensics LLC, which is a violation of law and a criminal offense to practice law without a license or act as an attorney. Someone working for an LLC company cannot represent it in a district court action unless they are a licensed attorney.

- 2) On question 27, Molfino checks NO to the question regarding whether he has released or sold criminal case information. This is false.

In fact, Marcelo Molfino was in previous controversy for selling/releasing information to civil plaintiff's attorneys from criminal cases he worked on, in addition to releasing information and documents from criminal cases to blogger Philip Klein, all without going through the normal legal process for release of government records. One instance in particular involved selling or releasing information from a criminal investigation in Orange County involving a car accident to a plaintiff's attorney who wanted the information and documents to sue the driver.

- 3) On questions 18, 19, 22, 24, Molfino checked YES. He checked yes to these questions which asked if he has been disciplined, fired, resigned in lieu of termination, received complaints against him, etc. In his required explanation of these yes answers, he intentionally omitted answers and information, and also misrepresented and made false statements.

Under these questions, Molfino is specifically asked to explain all of the previous YES check boxes. He is asked to be specific and list the dates and times and circumstances and which questions the explanations correlate to. In this answer section, Molfino intentionally omitted pertinent factual information, and also made misrepresentations and false statements. Molfino ONLY stated that he was in a heated political issue while working for the DA and he just decided to part ways and it had nothing to do with his job performance.

Molfino only referenced, with no specificity, his leaving the DA's office. Molfino intentionally omitted explanation of all of the yes boxes that he checked, including his previous work related disciplinary actions and complaints involving improper use of comp time with the DA years before he "resigned". He also failed to list the complaints involving his work as an unlicensed PI for cell forensics (which resulted in the Texas DPS determining he was in violation), and the complaints involving his catering and the city contracts controversy. Molfino was even disciplined for illegal use of his notary stamp that he had when doing work in the DA's office.



The worst part though is his misrepresentation of false statement involving his resignation from the DA's office. He did check off that yes he resigned in lieu of termination, but then in the explanation area, Molfino simply states it was a political issue and that he just decided to part ways. This couldn't be further from the truth. In reality, Molfino was caught falsifying his time cards claiming to work hours he didn't while he was doing side paid work, and also improperly using comp time which is something he had previously been disciplined on before. He then deceived the DA leadership and was not honest with them about it. After an investigation by the DA leadership over Molfino, the leadership department recommended hi be terminated. **There was a termination memo SIGNED by the Leadership and Heads of Departments of the Jefferson County District Attorney Office. This memo details the disciplinary investigation by the DA's office. It details the lying and stealing by Molfino which led to the DA's office recommending him for Immediate Termination. They even stated that he was unfit to be an Officer of the Court, and they had to send out a Brady Notice to defendants letting them know that there could be potential issues with cases that involved Molfino's credibility.**

Molfino completely omitted this vital information from his police application regarding the facts and circumstances of his resigning in lieu of termination from the DA's office, and he even went as far as to falsely misrepresent it as just a political disagreement and so he just decided to resign. This was intentional and meant to hide previous issue from being detected and investigated during his new employment background investigations.

- 4) On question 8, Molfino was asked if he was ever party to a civil suit. He is asked to further explain his yes answer. While the answer is blocked out in the records request, it is only one line. This leads me to believe that he omitted and did not list all of the civil lawsuits he has been a party to. I assume he listed that he was suing me, David Bellow, because Molfino claimed that I lied about him resigning in lieu of termination. That lawsuit he thought would favor him so he told y'all about that one I'm sure. (on a side note, Molfino lost that lawsuit against me and I won because I provided to the court the proof that is was TRUE that Molfino resigned in lieu of termination, and therefore it is not defamation if it is true, and so I won summary judgement and Molfino had to pay my Attorney fees. It is interesting that he swore to a judge that he did not resign in lieu of termination, but on this police application he actually checked yes that he did resign in lieu of termination).

I suspect that Molfino failed to list his other civil lawsuits that he is or has been involved in as a party. In fact, as an officer, Molfino has sued his previous employer The City of Port Arthur, literally filed a lawsuit against the city but I'm sure he left that out of his application for police officer with Sour Lake. He has also sued an insurance company. He even threatened to sue Buna



ISD for refusing to hire him. Lastly, he is currently being sued in Jefferson County District Court for Malicious Prosecution. I have a feeling he left out at least one of these lawsuits in his one line answer.

- 5) On question 13, Molfino was asked if he ever received fraudulent compensation. He checked NO, but this is not true because the DA's office had previously found that he had gotten improper compensation, and he had to pay it back as part of the disciplinary.
- 6) On Question 6 of undetected acts, he checked NO on the question regarding whether he has ever falsified any documents or license Also on question 46 he checked NO on the question of if he ever committed perjury. This is False. Not including the falsifications of records and licenses involving his illegal Private Investigation work, and not including his falsifications involving his time and pay records with the DA, Molfino has previously gotten disciplined for falsification involving his notary stamp, and he committed perjury in testimony he provided on the stand.

The State of Texas determined he was in violation of the notary laws and told him he would have to do remedial training, but Molfino didn't want to have to do disciplinary training so he just turned in his license instead. Search warrant returns have to be notarized. In order to cover for his mishandling of a previous search warrant, Molfino Notarized his own signature on his own search warrant return, he swore to himself! The Texas SOS notary department agreed with the complaint against him and determined he was in violation by notarizing his own signature.

The Texas Rangers and a special prosecutor also previously investigated Molfino for Perjury. He was never charged and I believe it was due to it being outside of the statute of limitations, but the evidence was very clear they he lied under oath during a criminal trial. Molfino had a conflict of interest in the criminal case. Molfino swore up and down under oath that he was not involved in the investigation. Molfino claimed he never collected evidence or interviewed any witnesses. Molfino claimed the Texas DPS never found that his unlicensed PI work was a class A misdemeanor. Well, the facts of the trial showed that Molfino actually interviewed witnesses and notarized statements in the case, he wrote and signed a search warrant in the case, he wrote and signed the arrest warrant in the case. Molfino even admitted to getting paid over \$1000 cash from one of the parties in the criminal case. He clearly lied under oath about not being involved in the criminal case, but he was never charged with perjury although the facts speak for themselves.

The false statements, lies of omission, and misrepresentations of Marcelo Mo Molfino in his Sour Lake, TX Police Officer application and history questionnaire are criminal acts as the application is a government record, and further Molfino swore to the answers being true and complete, and lying in a sworn statement is perjury.

**Therefore, I am submitting this criminal complaint against Marcelo Molfino for the above criminal violations involving the false statements on his police application.**

Further, these actions call into question his honesty and integrity as an officer of Sour Lake and should disqualify him from employment, and the Hardin County District Attorney and any other prosecutor should inform defendants of his honesty and integrity issues in a Brady Notice, which the Jefferson County District Attorney has already previously issued against Molfino.

These false statements and omissions had the intent to deceive the background investigation, and it is clear that the false statements DID in fact have a material and substantial effect on the outcome of the background investigation. The false statements, misrepresentations, and lies of omission prevented the background investigator from knowing and being able to investigate, and clear or confirm, any potential derogatory information, or and issues involving his credibility as a witness in a court of law. Therefore, the background investigator stated that there was no issues involving his credibility, when there were, and in fact his previous employer with the Jefferson County District Attorney had specifically found him, in a termination recommendation memo, not credible as a witness in a court of law and even issued a brady notice to defendants regarding issues with his credibility as a witness in a court of law.

*Whatever I need to sign, or bring, or do an interview about in order to follow the steps and procedures to properly initiate and file this criminal complaint and city employee misconduct complaint against Marcelo Molfino, please let me know.*

*Please see attached evidence and documents referenced in the above complaint, and I can find or bring any other available documents and evidence that might be needed if I have it.*

Sincerely,

Michael David Bellow Jr

181 County Road 108 S

Jasper, TX 75951

4096565128

mdbellow@gmail.com

*MD Bellow*  
*2/11/2026*



## ATTACHMENT A CORRECTIVE ACTION NOTICE

Employee Name: Marcelo Molfino Department: District Attorney Office

Written Warning ☒ Final Warning ☐

1. Statement of the problem (violation of rules, policies, standards, practices, or unsatisfactory performance):  
Worked second job and received payment while being paid by the County without using  
vacation or comp time in violation of County Policy Section 4.6 (B)(2)(b); failed to give .  
written notification of secondary job to department head; received and used comp time that was  
not accrued for work for the District Attorney's Office (9/26 and 9/27 of 2020) .
2. Prior discussions or warnings on this subject (oral, written, dates):  
County policy 4.6; Memo dated December 14, 2017 and Memo dated June 1, 2018.
3. Statement of County policy on this subject:  
violation of County Policy Section 4.6 and violation of District Attorney Office Policy  
dated June 1, 2018
4. Summary of corrective action to be taken (include dates for improvement and plans for follow-up):  
5 days of 2020 carryover vacation will be deducted for the week of 8/24/20 while working and  
getting paid by secondary job; will work 8-5 M-F in office only; all comp time previously earned is  
hereby revoked and can no longer earn comp time; no longer assist law enforcement agencies without
5. Consequences of failure to improve performance or correct behavior. preapproval by James  
Termination. Arceneaux.
6. Employee Comments:

(Continue on reverse side if necessary)

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Head/Elected Official Approval

\_\_\_\_\_  
Date

**Distribution:** Original to personnel file; one copy to employee; one copy to supervisor.



# TEXAS DEPARTMENT OF PUBLIC SAFETY

6808 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0091  
512/424-2000

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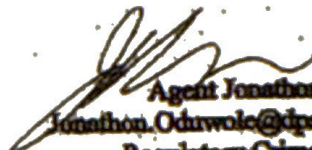
To: Public Integrity Chief Gary Reaves

I, Agent Jonathon Oduwole, of the Texas Department of Public Safety, Regulatory Service Division, conducted an administrative investigation into *Cell Forensics* and Investigator Marcelo Molfino. I was notified of Investigator Molfino by an Agent for the Texas Department of Public Safety, named, Mario Reyes. Investigator Molfino wanted to ensure that he as well as *Cell Forensics* were properly licensed to conduct certain services that are regulated by the Texas Department of Public Safety. I contacted Investigator Molfino on 11/17/2015, with questions concerning the services he or his company is providing, in the capacity in which they are providing them, and provide clarification for certain rules or laws. There was confusion about certain laws that apply and or do not apply to full time licensed peace officers in regards to private investigations. I informed Investigator Molfino that he or *Cell Forensics* would need to be properly licensed to perform investigation services for private individuals.

This case was never a criminal investigation, more administrative in scope; there was no official complaint found in the system of the Regulatory Services Division. The only complaint found was an online PSB-22 form, utilized by the Regulatory Services Division for official complaints. The particular PSB-22 form was posted online, yet none was ever actually received.

On 11/17/15 I contacted Jerry Jordan concerning the information that he posted online and the PSB-22 complaint. I also spoke to David Brewster concerning his complaint against *Cell Forensics*. I explained that I will investigate this matter, but it is entirely possible that I may find criminal activity, no criminal activity, or may find that the best solution is to have *Cell Forensics* become licensed, but not seek criminal charges.

I determined that Mr. Molfino and or *Cell Forensics* does need proper licensure, but it is clearly evident that Mr. Molfino was and is continuing to complete the licensure process. Mr. Molfino began the process prior to me contacting him and agreed to stop providing services until a proper license is obtained. While "operating without a license" is a Class A Misdemeanor according to Occupations Code 1702, the Regulatory Services Division as well as the Texas Department of Public Safety attempts to achieve voluntary compliance, especially when individuals or entities are extremely compliant with certain requests.

  
Agent Jonathon Oduwole  
Jonathon.Oduwole@dps.texas.gov  
Regulatory Crimes Services  
Cell: 512-897-0216

[FILL OUT cause number and heading information EXACTLY as it is written on the Petition]  
NO. 25250

The State of Texas		In The Criminal District
	§	
VS.	§	Court of
	§	
Michael David Bellow Jr	§	Jefferson County, Texas
	§	

**AFFIDAVIT**

THE STATE OF TEXAS  
COUNTY OF Jefferson

[PRINT the name of the county where this statement is being notarized.]

BEFORE ME, the undersigned authority, on this day personally appeared

Kellee Nicole Smith, who

[PRINT the first and last names of the person who will sign this statement.]

swore or affirmed to tell truth, and stated as follows:

"My name is Kellee Nicole Smith  
[PRINT the first and last names of the person who will sign this statement.]"

I am of sound mind and capable of making this sworn statement. I have personal knowledge of the facts written in this statement. I understand that if I lie in this statement I may be held criminally responsible. This statement is true.

In February 2015, Marcelo Molfino was a full time District Attorney Investigator for Jefferson County and his wife Ashley Molfino was the Assistant District Attorney. While on the clock and payroll of the Jefferson County District Attorney's office, Marcelo Molfino was hired by my ex-husband and or ex-husband's attorney Glen Morgan, in a child custody civil suit. Molfino was doing private investigation work without the required license and was hired in attempt to dig up dirt on me by downloading my cell phone, to be used against me in my civil child custody case. He failed in his attempt to download the phone, so he testified against me as an expert witness for my ex-husband in a civil hearing, where he stated on the record that he felt like I had switched phones so that he could not download the phone, which was not truthful. During the same week (February 9th through the 13th 2015), the man in which I am now married to, Matthew Smith was standing trial for murder in Jefferson County. The lead prosecutor on his case was Marcello Molfino's wife Ashely Molfino. On Wednesday, February 11th, 2015, the same day that Marcello Molfino testified against me as an expert witness for my ex-husband in my civil case, he also testified for the Jefferson County DA's office and his wife, Ashley



Molfino, against my husband in his criminal case. The two testimonies were just hours, if not minutes apart. While I am not an attorney or in the legal field at all, this seems as if it would be considered a huge conflict of interest in both cases.

During the child custody civil case, it was also discovered that my ex-husband had illegally installed a tracking device on vehicle, of which I paid cash for and was the sole driver. My ex-husband had hired Philip Klein to install the tracking device on my car at about 2am in the morning while I was asleep. I later, through my attorney, received the "investigative report" from Phillip Klein stating my locations and gps tracking coordinates, etc.... during the time that the tracking device was on my car. I went to the police (Jefferson County Sheriff's Department) and filed charges. The Sheriff's Department submitted the charges to the Jefferson County District Attorney, but the District Attorney refused to prosecute. It is my belief that they did not prosecute my ex-husband because my ex-husband and or his attorney, Glen Morgan are friends with or could have been making financial contributions to Marcelo Molfino, who is the District Attorney investigator and whose wife is the Assistant District Attorney.

I recently became aware that Michael David Bellow Jr. is being prosecuted for allegations that, if true, seem to be the same offenses that the District Attorney refused to prosecute my ex-husband for. I have also become aware that Mr. Bellow's ex wife also hired Marcelo Molfino in their child custody battle, where he acted as an expert witness and testified against Mr. Bellow during the time that he was unlicensed and practicing as a private investigator. This has led me to believe that whomever Marcello Molfino, the DA's Investigator, is personal friends with or hires him as an expert witness, is a determining factor related to whether or not the DA's office prosecutes a case. At the very least, it seems that the District Attorney did not prosecute my ex-husband for the same thing they are alleging that Michael David Bellow Jr did and are prosecuting him for.



Lined area for the statement.

Kellee Nicole Smith

[The person who has personal knowledge of this statement must sign it.  
DO NOT SIGN this statement until you are in front of a notary.]

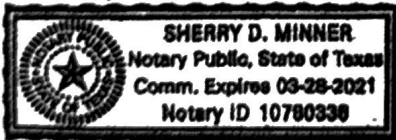
State of Texas  
County of Jefferson

[name of county where statement is notarized.]

SWORN to and SUBSCRIBED before me, the undersigned authority, on  
the 6th day of April, 2018 year, by

Kellee Nicole Smith

[PRINT the first and last names of the person who is signing this affidavit.]



[Notary's seal must be included.]

Sherry D. Minner  
Notary Public, State of Texas [Notary's signature.]

# The State of Texas

Government Filings Section  
Notary Public Unit  
P.O. Box 13375  
Austin, Texas 78711-3375



Phone (512) 475-2993  
Fax (512) 463-5255  
Dial 7-1-1 for Relay Services  
[www.sos.state.tx.us](http://www.sos.state.tx.us)

Rolando B. Pablos  
Secretary of State

February 15, 2018

Marcelo Molfino  
1089 Pearl St., Ste. 300  
Beaumont, TX 77701

Re: Notary Complaint File - NCF #170078

Dear Mr. Molfino:

The Office of the Secretary of State commissions notaries public and in those cases where good cause exists, may deny an application, revoke or suspend a notary's commission, or take other disciplinary action. It has been determined that there is no basis to pursue this complaint.

However, you performed a notarization when the purported signer did not personally appear before you at the time of the notarization. Such action constitutes good cause for the secretary of state to take action against the notary's commission. Tex. Gov't Code Ann. §406.009(d) (6) (2009) (amended effective September 1, 2015); 1 Tex. Admin. Code § 87.11 (a) (16) (2010) (amended effective February 10, 2016) and you failed to keep a log, failure to keep in a book of notary record as described in §406.014, Government Code and this chapter. Tex. Gov't Code Ann. §406.014(2005) (amended effective September 1, 2017); 1 Tex. Admin. Code § 87.11 (a) (7) (2010) (amended effective February 10, 2016). The records may be hard copies or electronic, but in any case must contain the following information for each notarization:

1. The date of the instrument;
2. The date of the notarization;
3. The name and residence of the signer, grantor, or maker;
  - If the instrument is proved by a witness, the record must contain the name and residence of the witness
4. The method by which the notary identified the signer, grantor, or maker (e.g., personally known, produced ID, or introduced by another)
  - If the signer, grantor, maker, or witness is introduced by another, the record must also contain the name and residence of the individual making the introduction
  - If the instrument is proved by a witness, the record must contain the method by which the notary identified the witness
5. A brief description of the instrument (e.g., affidavit, power of attorney);
6. The name and residence of the grantee; and

7. If land is conveyed or charged by the instrument, the name of the original grantee and the county where the land is located.
8. Fees charged for notary services; and
9. A brief description of the instrument.

In summation, the office finds sufficient basis to take action against your notary public commission.

1. You must successfully complete and submit the written Educational Exam for Texas Notaries Public, achieving a perfect score; and
2. You must successfully complete the Notary Public Training Video and submit the certificate of completion provided at the end of the video by February 25, 2018.

The link where you may watch the Notary Public Training Video is located on our website at: <http://www.sos.texas.gov/statdoc/notary-public.shtml>. You will be required to answer questions after each section of the video. Upon completion of the video you will be able to print out a Certificate of Completion.

You will have only three opportunities to make a perfect score on the exam. The video along with all of the other educational information posted on that page may be useful in completing the Educational Exam for Texas Notaries Public. The pages that accompanied your commission certificate may also contain a wealth of information. Because this is an open-book test, feel free to use any credible resources that you may have at your disposal.

Should another complaint be filed against you in this office that is deemed to have merit, this office will not hesitate to exercise its obligation to protect the name of the office and the public. Failure to fully and faithfully discharge the duties of a notary public provides good cause for the secretary of state to take action against the notary's commission, including revocation. Tex. Gov't Code Ann. §406.009(a) (Vernon Supp. 2009); 1 Tex. Admin. Code §87.11(Tex. Secretary of State, Good Cause).

Thank you,  
Maria Y Morales, Investigator  
Notary Public Unit  
Government Filings Section  
Phone: (512) 475-2993  
Fax: (512) 463-5255  
~~mmorales@sos.state.tx.us~~



Brady Notice against Marcelo Molfino  
filed by Jefferson County DA office

In compliance with *Brady v. Maryland*, Article 39.14 of the Texas Code of Criminal Procedure, and Texas Rule of Professional Conduct 3.09(d), this serves as notice to the defense that the State is in possession of documents and information reflecting potential impeachment information concerning Marcello Molfino, a State's witness. This information may be obtained by written request to the Jefferson County District Attorney's Office. After receipt of a written request, the State will submit the documents or information to the court for in camera inspection. Additionally, the Jefferson County Sheriff's Department and the Texas Rangers are in possession of documents and information reflecting potential impeachment information concerning Marcello Molfino, a State's witness. If the defense subpoena's said documents, the State requests an in camera inspection by the court. Regarding all of the above information, the State requests the judge to make a private determination as to what documents or information in possession of the State and/or other state agencies are required to be disclosed under *Brady*, Article 39.14, and Rule 3.09(d). The State will also seek a determination as to the admissibility of the documents or information.

## DISCIPLINARY RECOMMENDATION

Meeting Date: 2/22/21

Employee Name(s): Marcelo Molfino

Nature of complaint:

*Violation of County Policy 4.6(B)(2)(b) by being paid by City of Port Arthur for catering services while being paid for time worked by Jefferson County; failure to give written notification of secondary job to department head.*

*Violation of Office Policy by receiving and using comp time that was not accrued for work for the District Attorney's office and during a time that comp time could not be accrued or used; see office memo of December 14, 2017 and June 1, 2018 and office email of May 29, 2020.*

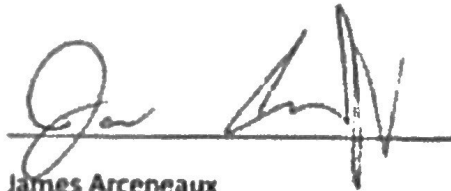
*Jefferson County policy 5.6 (17): Untruthfulness from meeting of February 22, 2021 where employee specifically told office administration (DA Bob Wortham, First Asst Pat Knauth, Chief Investigator James Arceneaux, Chief Civil Attorney Kathleen M. Kennedy and Office Manager Leanne Winfrey) that he did not prepare food or distribute any food to Port Arthur for the dates of August 24 (Mon), 25 (Tues) or 26<sup>th</sup> (Wed). Employee specifically stated his food distribution did not start until Thursday, August 27, 2020. He asserted the same was coming in an email from Interim Fire Chief Robert L. Havens, which was received on Monday February 22, 2021 at 1:34 P.M. However, Havens sent a second email on Monday, February 22, 2021 at 7:07 PM stating that the Employee did provide meals on Tuesday the 25<sup>th</sup> and Wednesday the 26<sup>th</sup> in direct conflict with his statement during the meeting of February 22, 2021 and documents provided to the City of Port Arthur for compensation given to Employee by the City of Port Arthur on September 9, 2020.*

\*Based on Employee's statements and the documentation obtained, the administrative employees below are no longer in agreement with the written warning corrective action that was presented to the Employee during the meeting of February 22, 2021. Based on his statements and the emails from Havens, it is believed Employee was intentionally untruthful and such untruthfulness prevents Employee from being qualified to serve in his capacity of an officer of the court.

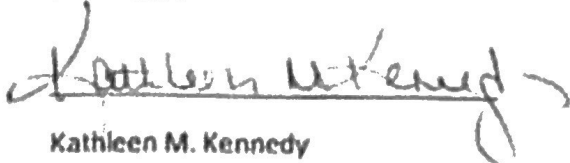
Recommendation: Termination



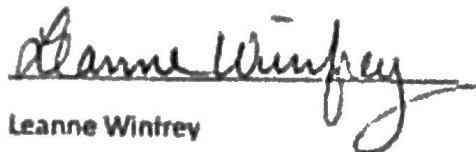
Pat Knauth



James Arceneaux



Kathleen M. Kennedy



Leanne Winfrey

Dated: February 23, 2021

# Notes

DATE: February 23, 2021

RE: Marcelo Molfino

On the afternoon of Monday, February 22, 2021, a meeting was conducted with Molfino in the Grand Jury room to discuss a written reprimand. During that discussion, Molfino requested an extension of 24 hours to respond with his employee comments to the written reprimand and to provide documents Molfino thought were missing from the reprimand packet. DA Bob Wortham agreed to give him the 24 hours requested. The written reprimand was not signed nor finalized due to the 24 hour extension granted by Bob Wortham. Molfino was given a copy of the reprimand packet. Meeting adjourned.

On Tuesday, February 23, 2021, two emails were received from the Port Arthur Interim Fire Chief, Robert Havens. The first was sent on Monday February 22, 2021 at 1:34PM and advised Molfino had only provided meals to Port Arthur on Thursday, August 27-Sunday August 30, 2020. Mr. Havens followed up with a second email on Monday, February 22, 2021 at 7:07PM stating he further reviewed the dates and discussing the events with his Logistics Officer, he changed the dates of his prior email by stating Molfino provided meals to Port Arthur from Tuesday, August 25-Sunday August 30, 2020. At approximately 8:30am on this date, Pat Knauth, Leanne Winfrey, Kathleen Kennedy and James Arceneaux met and discussed the two emails received from Havens in view of Molfino's statements during the meeting of February 22, 2021 and concluded that a written reprimand was no longer the appropriate disciplinary action and drafted and signed a disciplinary recommendation for termination.

On Tuesday, February 23, 2021 at approximately 12:30PM, Molfino presented Leanne Winfrey his documentation for the administration to review prior to meeting with him in reference to finalization of the written reprimand. At approximately 1:00PM, administration (Bob Wortham, Pat Knauth, Leanne Winfrey, Kathleen Kennedy and James Arceneaux) met in DA Wortham's office and went over all the documentation provided by Molfino and Havens. During that meeting DA Wortham agreed that a written reprimand was no longer the appropriate disciplinary action.



CAUSE NO. A-175,072

MARCELO MOLFINO

VS.

THE CITY OF PORT ARTHUR

§  
§  
§  
§  
§IN THE DISTRICT COURT OF  
JEFFERSON COUNTY, TEXAS  
58<sup>th</sup> JUDICIAL DISTRICTPLAINTIFF'S THIRD AMENDED PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **MARCELO MOLFINO**, hereinafter referred to as Plaintiff, complaining of **THE CITY OF PORT ARTHUR**, hereinafter referred to as Defendant, and for cause of action, would respectfully show unto the Court the following:

The Plaintiff intends discovery of this dispute to be conducted under Level 3, pursuant to Texas Rules of Civil Procedure 190.3.

II.

Plaintiff is a resident citizen of Beaumont, Jefferson County, Texas.

All parties are present before the Court.

III.

Plaintiff alleges that venue is proper in Jefferson County, Texas, pursuant to provisions of Chapter 15, et seq. of the Texas Civil Practice & Remedies Code. The Plaintiff is a resident citizen of Jefferson County, Texas, and the Defendant, City of Port Arthur, is located in Jefferson County, Texas.

At all times pertinent to this lawsuit, the Plaintiff was employed by the City of Port Arthur, in Port Arthur, Jefferson County, Texas.

## ≡ BEAUMONT ENTERPRISE

In the petition, Clark said that when he reported the problem to District Attorney Bob Wortham, his concerns were dismissed and Wortham referred to Molfino as "my boy."

Clark claims he was not considered for the police chief opening because he reported Molfino, and said City Manager Brian McDougal and Wortham conspired to terminate him from the department.

Wortham declined to comment on Thursday, saying he wants to save his testimony for trial.

**Read more in Thursday's print edition of The Enterprise.**

