



## City of Birmingham Inside Dealing with Public Dollars and Property

To the Department of Justice and AL Attorney General, please complete a full white-collar, public corruption investigation regarding inside dealing in the City of Birmingham. Please investigate the repeated reckless disregard to local, state and federal laws for the City of Birmingham actors under the Mayor Randall L. Woodfin Administration and City Council. The “Guarantee Clause” of Article IV Section 4 of the U.S. Constitution doesn’t exist in Birmingham, AL without state and federal officials stepping in. Ethics laws don’t exist here. Oaths of office don’t exist here. Public trust is recklessly disregarded. There are no checks and balances here. The City even disregards federal Court, Co-Defendants, and the Plaintiff in active federal litigation. We have a despotic government here. The law has ended here. Please step in.

**“Where Law Ends, Tyranny Begins”**: DOJ Main Justice Building



*“DOJ and AL Attorney General, the Law has ended here. Please step in.”*  
*Brian K. Rice*

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- a) This section gives an overview of how multiple executive-level positions appointed by Woodfin are operating with gross negligence and reckless disregard for local, state, and federal laws with the approval of the City Council

### **Page 19: Closing:**



June 3<sup>rd</sup> 2024

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To the (1) United States Department of Justice; (2) the Federal Bureau of Investigation Public Corruption, Civil Rights, Color of Law, White Collar Crime divisions; (3) U.S. Attorney Prim Escalona; (4) Alabama Attorney General Steve Marshall; and (5) Jefferson County District Attorney Danny Carr

Today's formal complaint concerns the **City of Birmingham selling City properties for the benefit of City employees in addition to already filed federal complaints.** I have linked new patterns of racketeering and official misconduct for City actors already named in Brian K. Rice vs Governor Ivey and the current City economic development director, Cornell Wesley and City Councilor Carol Clarke that were discovered during due diligence in response to the sale of the city surplus property adjacent to me directly or indirectly benefitting city employees. Today's complaint also links several earlier actions under the Woodfin administration that have already been filed with the Department of Justice. Please perform a full white-collar and mail / wire fraud investigation on City actors as described in this complaint.

- (1) I, Brian K. Rice, have already lost 100% access to my real property value for properties with an unconscionable \$0.00 appraisal on all of my commercial buildings, even those with tenants in them located at 600, 604, 606, 608, 610, 615, 617, and 619 19<sup>th</sup> St Ensley, Birmingham, AL in Brian K. Rice vs. Chief Examiner Rachale L. Riddle.
- (2) I have already lost my ability to protest my property taxes as my right to protest my real property taxes related to the \$0.00 appraisal was taken away by the Jefferson County Board of Equalization unlawfully by Maria Knight, the African American chairperson, also in the Rice vs. Riddle case.

- (3) I unknowingly invested in an alleged 10-Year IRS Tax Fraudulent Scheme involving large corporate entities in the City of Birmingham involving City of Birmingham official misconduct. Details of the public corruption are described in the Rice vs. Ivey lawsuit where Mayor Randall Woodfin and Josh Carpenter are the lead defendants connecting everyone.
- (4) Now, as of this complaint, the local government is participating in an inside deal immediately adjacent to my properties that is injuring my property again. **Owning real property in Ensley under a government that disregards your rights for their benefit is a government of public servants serving themselves.** DOJ, please investigate and step in.

DOJ representatives, please review my previous complaints filed with the DOJ between 8/13/21 to 8/29/22 as well as all files associated with federal lawsuits Brian K. Rice vs. Governor Ivey (Case 2:23-cv-01382-RDP) and Brian K. Rice vs. Chief Examiner Rachel L. Riddle (Case No.: 2:24-cv-0033-ACA). City actions add new evidence in existing federal lawsuits and new causes of action for future litigation. The evidence that has been compiled and sent over the years unfortunately involves much more funds than received by Oliver Robinson, John Rogers, Fred Plump, Jeff Germany, Larry Langford and others who were linked to local public corruption. There is a complete disregard for the law in City Hall.

Over the years, the City actors have been emboldened to commit more and more official misconduct as there is a failure to supervise, train, or discipline for earlier actions. I have been seeking help regarding continuing official misconduct under the Woodfin Administration since my first federal complaint filed with the (1) DOJ Department of the Treasury Inspector General on 8/13/21, (2) AL Ethics Commission complaints and correspondence between 2/22/22 – 7/1/22, (3) Letter to the FBI on 8/29/22, (4) Rice vs. Ivey Case filed 10/13/23, and other certified letters and emails sent to U.S. Attorney Prim Escalona, U.S. Attorney General, AL Attorney General, and other DOJ Departments since August 2021. Please help, I have no respected property rights. I have no way to provide for myself off of buildings appraised at \$0.00, right to protest taxes removed, and federal resources removed for 10 years all at the same time. Please help.

[Background and Short Synopsis of Rice vs Ivey case and how actions relate to new actions:](#)

It was unknown to me that an alleged 10-Year IRS Tax Fraudulent Scheme was taking place in Downtown Ensley when I purchased my properties in 2018. I have been met with economic structural barriers affecting commerce relating to economic misrepresentations relating to **mail / wire fraud (18 U.S.C § 1341 / 1343)**, which is the focus of Rice vs. Ivey.

The alleged fraudulent scheme relating to the 3/6/18 letter already in place has caused (1) the intentional removal of federal economic development programs and incentives under the supervision of the Department of the Treasury and IRS to be removed unlawfully from 2018 – 2028. The City of Birmingham experienced an explosion in economic development relating to commercial developments in federal opportunity zone census tracts while my neighbors and I were not a part of the exclusive dealing, market allocation, steering, and rigging of federal

economic development incentives. The associated exclusive dealings and refusal to deal federal economic development resources have created benefit for the private persons as detailed in Rice vs Ivey lawsuit while business interference affecting commerce directly interfere with real property rights of the owners and businesses that operate in Downtown Ensley.

All actions related to all Defendants in Rice vs Ivey point back to the actions of City of Birmingham actors, and the City is continuing to commit new actions that directly affect me and my properties named. The already named Defendants are local corporate giants in Birmingham who are benefitting from alleged fraudulent market allocation, steering, and rigging of federal programs away from majority Black business districts with Downtown Ensley being the largest. These associated actions gave the already named Defendants access to 100% capital gain right-offs for their already identified developments totaling over \$600 million in local projects. Additional unknown developments will likely be discovered during the discovery phase in Rice vs Ivey or through a formal federal investigation. I am asking the Department of Justice to help us in Birmingham and conduct a thorough investigation into the affairs of the unlawful steering of federal resources.

Now, the recent transaction adjacent to my properties involve, African American officials, employees and partners and that are benefitting from the opposite of the large corporate leaders. The African Americans linked to the new actions relating to federal opportunity zones benefit from the intentionally suppressed real estate development, suppressed real estate values and obstruction of commerce in Downtown Ensley. Economic activity, fair market values and fair competition in Downtown Ensley has been interfered with by bad faith and refusal to deal City surplus properties to interested citizens who have expressed interest or not aware of “confusing or misleading” surplus property sales.

Please complete a full investigation on the actions involving the City of Birmingham. We, in Ensley, are being oppressed as described in Section 35 of the Alabama 1901 Constitution, not by traditional historic examples, but today, we are being oppressed by majority African American public leaders. For example, on 4/1/19 Woodfin blamed Governor Ivey for the exclusion as described in Rice vs. Ivey, when he ratified the document and his staff prepared the 3/6/18 false letter. (See Doc. 51, ¶159, Rice vs. Ivey). Woodfin was race-bating when he had the fiduciary responsibility, and he looked the other way.

Honorable U.S. Attorney Prim Escalona, please stop the local abuse that crosses over into the ‘White Collar Section – Public Corruption and Government Fraud’ and the DOJ Combatting Redlining Initiative. Kickbacks, anti-competitive practices and abuse of office have become normal here whether it is designing Birmingham Promise to promote the mayors campaign through well-concealed kickbacks with 501(c)3 dollars paid for by the City – the State – and private persons; or it’s executive staff planning out and benefiting from inside deals; or it’s his fellow Morehouse alumni getting no bid \$1.4 million contracts that is only questioned by City Councilor Hunter Williams; or it’s misrepresentation of federal American Rescue Plan Act

(ARPA) funds that is covered up by the Chief of Operations, City Attorneys and City Council that is only questioned by City Councilor Clinton Woods and Valerie Abbott.

Honorable State of Alabama Attorney General Steve Marshall, please step in and stop the local abuse that crosses over to the 'Special Prosecutions Division'. The City of Birmingham gross negligence and reckless disregard, is the leading reason all Defendants are named in the Rice vs. Ivey. The local government environment runs without checks and balances and I'm asking for your help.

Honorable Jefferson County District Attorney Danny Carr, your website covers a 'White Collar Crimes and Public Corruption Division', so I'm also sending the following information to your division. I'm not sure if you have to recuse yourself since you own property within one block of the recent police station transaction that is the subject of this complaint that affects all property values in Downtown Ensley. I wanted to make sure you were aware either way. The Rice vs Ivey lawsuit, which is also the subject of this complaint, covers your property and all of your neighbor's properties that were excluded from federal resources from 2018 – 2028. The real property owners in Downtown Ensley are also affected by my \$0.00 appraisal, which removed 100% of my equity, which is essentially reverse bank fraud, mortgage fraud, and other frauds, as explained in the Rice vs Riddle federal case.

The local corruption has no checks and balances and the real property owners in Downtown Ensley are affected by the successive and continuing actions from City Hall. I don't have the private right of action to charge someone with the associated white-collar and financial crimes that are affecting my real property. Only local, state, and federal law enforcement entities that are included in this complaint have the right to step in and hold our local public officials and employees accountable to deter continuing actions. I have done my best in this environment to stand for the rights that have stopped me from developing my property. The following are related to new evidence and new causes of action that are injuring my properties because City actors have repeatedly failed to train, supervise, and discipline inside of City Hall.

DOJ, U.S. Attorney, AL Attorney General, JC District Attorney please step in. Please help. Please help. Please help. I have no respected property rights here.



**DOJ – PLEASE STEP IN. THERE IS NO ONE AT CITY  
HALL IN A LEADERSHIP POSITION TAKING ACTION TO  
STOP KNOWN MISUSE AND ABUSE OF OFFICE.**

**THERE ARE NO CHECKS AND BALANCES HERE.**





## LATEST CITY PROPERTY INSIDE DEAL UNDER WOODFIN ADMINISTRATION

The image contains two photographs of city buildings. The left photograph shows a multi-story brick building with a large coin graphic overlaid. The right photograph shows a modern brick building with a large eagle emblem on its facade. Below each photograph is a list of bullet points.

- Appraised at \$0.00, less than a penny
- Approx. 26,000 [sf]
- With tenants
- 600 - 610 19<sup>th</sup> St Ensley
- [www.briankrice.com](http://www.briankrice.com)

- Appraised at \$245,000
- City of Birmingham sale for \$1000 involving **inside dealing** with City Employees and Partners, 5/14/24; Acts further devalue fair market sales in Downtown Ensley
- Approx. 10,500 sf with no tenants for 9 years
- 616 / 624 19<sup>th</sup> St Ensley

### **City Surplus Property Sale: 616 / 624 19th St Ensley**

New evidence involving Brian K. Rice vs. Governor Kay Ivey federal lawsuit where the City of Birmingham, Randall Woodfin, and Josh Carpenter are the lead Defendants connecting all other Defendants involving the adjacent 600 -610 19th St Ensley properties have been made available with sale of 616 / 624 19<sup>th</sup> St Ensley City surplus property. New causes of action involving the **City of Birmingham, Randall L. Woodfin, Cornell Wesley (Carpenter's replacement)** and others since all parties submitted responses to the Court 4/15/24 while all parties are waiting on hearing Order from **Chief Judge R. David Proctor** for U.S. District Court for the Northern District of Alabama. Public officials are repeatedly violating public trust in Downtown Ensley and injuring property owners, especially my properties.

### **City Approved \$245,000 Appraised Building for Sale for \$1000 to:**

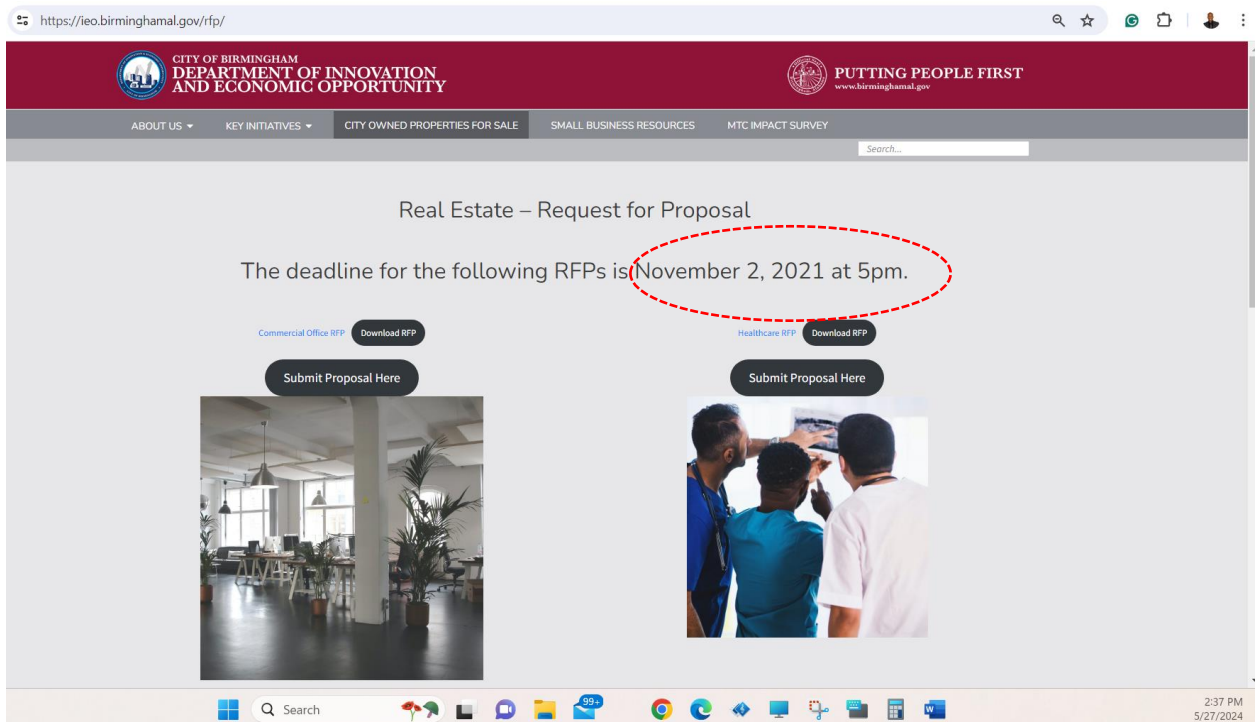
Omega Bridge Builders Foundation, Inc., a committee under the supervision of Alpha Phi Chapter of Omega Psi Phi Fraternity, Inc., Basileus (President) Robert Averhart (Averhart is also a City Employee who oversees the budget)

### **City Employee's Inside Dealing Involving \$244,000 gain / benefit through sale ~~5/22/24~~ [5/14/24]**

- 1) **Robert Averhart – City Budget Officer and Accountant** for the City for 16 years, **President** of Alpha Phi Chapter of Omega Psi Phi, Officer for Omega Bridge Builders.



- a. Regular citizens and business owners here have no chance of fair competition if they are competing against “kickbacks” for public budget officers and accountants inside the City of Birmingham for City properties or any services or any contract thereof.
- b. I’m aware of numerous private persons and businesses who have expressed interest in purchasing 616/624 19th St Ensley property only to be denied the opportunity while a City budget officer is directly or indirectly benefiting.
- c. The City economic development department (IEO) is using deceptive trade practices to sale “City Owned Properties For Sale” as shown on <https://ieo.birminghamal.gov/rfp/>. Currently, and as of the date of the ~~5/22/24~~ [5/14/24] sale, the City website says all bids are due by 11/2/21 by 5pm, which is nearly 3 years ago as shown in the screenshot below.



- d. The City surplus property “Real Estate – Request for Proposal” is a “misrepresentation” that is causing “confusion or misleading” for interested parties that breaches AL Code § 8-19-5 Deceptive trade practices and other laws, especially false advertising. The 3 year old deadline shown as late as of the date of this letter also breaches 18 U.S. Code § 1343 (Wire fraud) for the purpose of obtaining money or property. The City is using its website to deceive the public and to make it appear that City surplus property have not been up for sale since 11/2/21 but budget officers and companies they are directly associated with them can purchase. This is unfair competition.
- e. There is only ONE budget officer listed in the City annual reports and budgets and his duties directly manage and oversee the budgetary approval of all departments, budget and finance committee, city council, etc...

**2) Diana Bolden, the City of Birmingham Manager of Budget Management**

- a. Supervises Robert Averhart as the City Budget Officer.

- b. Diana Bolden is also married to the head of finance for the local Alpha Phi Chapter of Omega Psi Phi (D'Trona Bolden) while Robert Averhart is the President.
  - c. Between Averhart and Bolden, all City budget transactions for all departments are managed through them, so how can the public compete with finance and budget officers when there is a deceptive and misleading sale process related to surplus properties?
- 3) **Kelleigh Gamble:** Details are explained in the next section.
- a. Linked to 3/6/18 False Letter “Associated in Fact Enterprise Member”
  - b. Linked to this transaction as a member of the Alpha Phi Chapter of Omega Psi Phi and an officer of the Omega Bridge Builders Foundation.
- 4) **Cornell Wesley – City Economic Development Director (IEO)**, member of Omega Psi Phi, disregards misuse of office where there is personal gain and private gain of another where his fraternity brothers are linked due to roles inside city hall, roles linked to the 3/6/18 letter, or just preferential treatment that completely disregard bid laws for the benefit of Averhart, Bolden, Gamble, and Riddle while disregarding local citizens.

**City Officials and Private Persons linked to Omega “low ball” purchase and linked to the 3/6/18 alleged Mail / Fraud Letter (Doc. 57-1) in Brian K. Rice vs. Gov. Kay Ivey lawsuit that caused removal of federal economic development resources from 2018 – 2028 in Downtown Ensley**

- (1) **Mayor Randall Woodfin “3/6/18 Associated In Fact Enterprise Member and Leader”:**
- a) Ratified the 3/6/18 fraudulent letter that misrepresented assets in Ensley.
  - b) Woodfin submitted the “inside deal” sale of 616 / 624 19<sup>th</sup> St Ensley to the City Council which benefitted associated in fact members linked to 3/6/18 alleged **mail /wire fraud**.
- (2) **Kelleigh Gamble “3/6/18 Associated in Fact Enterprise Member”**
- a) Officer for Omega Bridge Builders (buyer / benefactor) of intentionally suppressed real estate values and obstruction to economic development in Downtown Ensley.
  - b) Linked to the 3/6/18 letter Doc. 57-1, pp 28 -29 as the Executive Director of Neighborhood Housing Services (NHSB);
  - c) Current VP of the Housing Authority of the Birmingham District (HABD). HABD is an additional benefactor of the 3/6/18 letter with over \$300 million in developments linked to Corporate Realty, Southern Research Institute (SRI), and SRI CEO Josh Carpenter.
- (3) **City Councilor Carol Clarke “3/6/18 Associated in Fact Enterprise Member”;**
- a) City Councilor and employee of Corporate Realty (Doc. 57-1, pp 16-17);
  - b) Replaced Kelleigh Gamble (Doc. 57-1, pp 28 -29) as the Executive Director of NHSB after sending false information by **mail / wire** to AL Ethics Commission as recorded on 6/7/23 in AL Ethics Commission Advisory Opinion N0. 2023-03. Clarke stated “she has not participated in any matter involving Neighborhood Housing Services while serving on the City Council.”
  - c) See [11/15/22 City Council Meeting](#) for Item #9 for her discussion and vote less than 8 months earlier that is inconsistent with facts presented to Ethics commission.

- d) Clarke and the City of Birmingham continue with patterns of official misconduct and “**inside deals**” on [3/25/24](#) at budget and finance meeting. The City approved a \$600,000 funding increase and more autonomy for NHSB, while supervised under Clarke as executive director of NHSB and also as a sitting City Councilor.
- e) NHSB has at all times been connected to the 3/6/18 false letter and because of the sale involving Gamble, I was able to see links connecting Clarke to recent official misconduct.
- f) I’m concerned the local government is working for the benefit of the public servants and not the citizens. DOJ and AL Attorney General, please investigate.

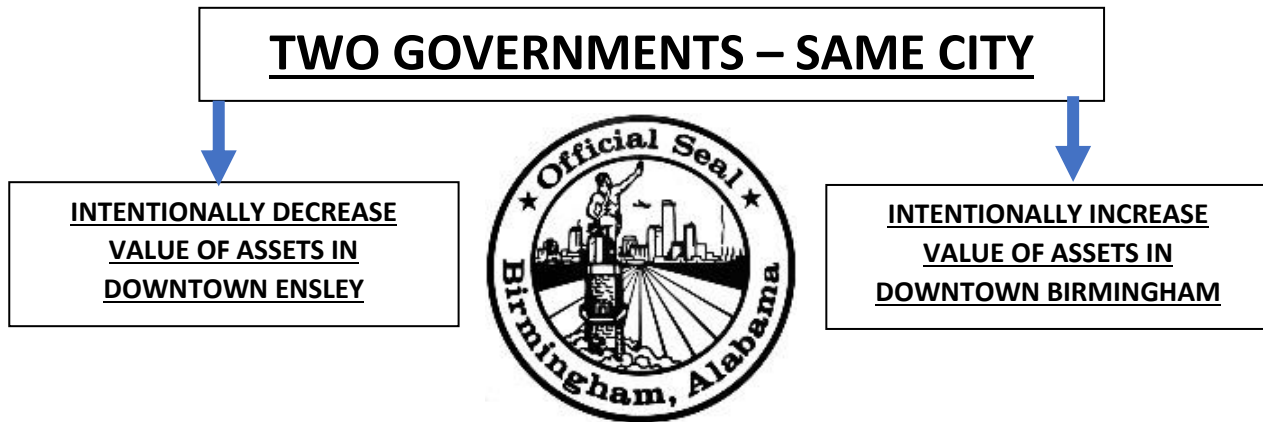
**No Known Legal Notice has been Found Making the Sale Available to the Public for 616 / 624 19<sup>th</sup> Ensley, only a Request For Proposal is due by 11/2/2021 by 5pm is currently displayed on the City IEO web page for all “City Owned Properties For Sale” as shown on <https://ieo.birminghamal.gov/rfp/>**

I am aware of numerous persons / entities who have expressed interest in 616 / 624 19th St Ensley property and other Ensley surplus properties only (1) to be delayed without response, (2) told properties are not available, (3) discouraged from bidding by city representative – Janice Douthard, and /or (4) never allowed or made aware of the opportunity to bid on public property.

**Numerous potential unlawful actions and court misconduct have taken place relating to:**

1. City Ordinance: Sec. 2-4-2. - No officer or employee elected or appointed in the city shall be interested, **directly or indirectly**, in any contract; City Ordinance Sec. 2-4-3. – **All contracts shall be absolutely void** and have no effect
2. AL Code § 8-19-5 Deceptive Trade Practices
3. City Ordinance Sec. 3-1-4 Sale of Surplus Property
4. Alabama Code 36-25-5 — Use of official position or office for personal gain;
5. 41 U.S. Code Chapter 87 - KICKBACKS
6. 18 U.S. Code § 1341 / 1343 **Mail / Wire Fraud**
7. 18 U.S. Code § 1964 Civil RICO – New Predicate Act relating to mail / wire fraud
8. Amendment XIV of the U.S. Constitution for Downtown Ensley Property Owners
9. 15 U.S. Code § 1 – Sherman Antitrust Act violations
10. And others

**INTENTIONAL DEVALUATION OF PROPERTIES IN DOWNTOWN ENSLEY BY  
THE CITY VS SIMILAR PROPERTIES**



The 616 / 624 19<sup>th</sup> St Ensley alleged unlawful City sale 5/14/24 adjacent to my properties at 600 -610 19<sup>th</sup> St Ensley prompted me to perform due diligence on Wesley's actions as the City Economic Development Director and how they relate to structural economic barriers in Downtown Ensley.

Below is a discussion on intentional devaluation involving this sale and “inside dealing” involving this transaction and others are detailed in section titled “Pattern, Practice, or Custom of Official Misconduct Involving City of Birmingham Economic Development Department under Josh Carpenter (2018 – 2020) and Cornell Wesley (2021 -2024)” in this document. Actions under both of Woodfin’s economic directors breached anti-competitive practices and fair lending practices associated with real property in and around Downtown Ensley. The DOJ Combating Redlining Initiative, launched in 2021, was created to address modern-day redlining practices.

During the 5/22/23 City of Birmingham City Council Budget and Finance Committee meeting, Cornell Wesley, City Economic Director confirmed that the subject property for sale for the City surplus property in Downtown Birmingham at 2312 / 2320 Abraham Woods Blvd would be sold at \$1.9 million. The appraised value was confirmed at or about \$1.1 million. Wesley stated the City’s reason for the difference in the higher sales price and the appraised value which is nearly a 72.7% increase in value. Wesley stated the sole purpose for the higher value is to “set the market for other transactions” where the City also own other properties Downtown. Is this price fixing under Sherman Antitrust laws? Wesley mentioned this sale was to the same developer for the Crossplex which just happened to be his Morehouse alumni friends out of Atlanta. You can review the undeniable concerning misuse of \$1.4 million in City funds involving Wesley with City Councilor Hunter Williams and Carol Clarke during the 1/18/23 City Council Committee of the Whole meeting. Both Councilors questioned \$1.4 million no bid contract. The other Councilors City staff just nodded in agreement and remained silent. Now, back to intentional devaluation of property values.

The City under Wesley used the exact opposite method as was used for 2312 / 2320 Abraham Woods Blvd sale in Downtown Birmingham versus similarly situated properties in Downtown Ensley. Are City representatives involved in suppressed real estate value price fixing? The City

took actions in Downtown Ensley that further devalue and suppress the real estate values by selling surplus properties from the City to City employees through a fraudulently concealed sales process for a 99.59% reduction in value for the \$1000 sale at 616 / 624 19th St Ensley involving inside dealing.

The City economic director and the City has confirmed knowledge of the importance of having strong real estate values in the strong Downtown Birmingham market while simultaneously breach the law to diminish already distressed, depressed, and suppressed real estate values in Downtown Ensley. The City alleged inside dealing caused further injury to property owners in Downtown Ensley, because the fair market process based on local and state law for surplus properties was removed. The City actors are aware of their actions that injure property owners and businesses in Downtown Ensley who can't get fair appraisals already. We can't use the equity our buildings for business and property needs because our local government is actively taking actions that relate to ongoing actions to further diminished real estate values in Downtown Ensley. The City committed the most recent actions at 616 / 624 19th St Ensley that match the precedence of ongoing litigation with Antonio Spurling with the City where Spurling stated the City is "willful neglect", "suppression of real estate values", "diminished and /or stagnant appraised values, loss business profits." 5/14/22 Actions affect ongoing federal litigation with myself on the same block regarding my \$0.00 appraisal in Rice vs Riddle (Case No.: 2:24-cv-0033-ACA) and ongoing redlining from 2018 – 2028 caused by the central alleged **mail /wire fraud** 3/6/18 false report in Rice vs. Ivey where the City Defendants are the lead actors.

Local ordinances and state law, mandate the municipality "to protect and conserve the value of land, buildings, and improvements, neighborhood amenities and the natural environment in all parts of the municipality" (City of Birmingham Ordinance, Sec 1 and Sec. 1.2). The City actors voted on 4/22/24 and 5/7/24 to sale 616 / 624 19<sup>th</sup> St Ensley for a use value of \$30,000. On 4/22/24, thanks to our senior sitting City Councilor Valerie Abbott, the citizens were able to hear the appraised value of the city surplus property adjacent to the \$0.00 appraised buildings own by me, where Janice Douthard who works under Cornell Wesley in the economic development department was reluctant to sharing. Douthard actions in the recorded City Council Meeting near the 6 min mark, show a willingness to conceal actual appraised fair market values in Ensley in furtherance of a scheme already in place to devalue and suppress values in Downtown Ensley. Abbott asked Douthard what was the appraised value and Douthard was hesitant to share. Abbott had to ask again and asked Douthard is the appraised value "a secret" and then Douthard shared the value reluctantly. The City distressed, blighted, vacant building was appraised at \$245,000 immediately adjacent to the \$0.00 appraised buildings with tenants more than twice the size. Thank you City Councilor Valerie Abbott for always asking for the appraised value.

The ongoing willful neglect as described in ongoing litigation with City now link to the sale of the \$245,000 appraised building for the use value of \$30,000 in an already suppressed real estate market. Mayor Woodfin and the City Council put on a public magical performance on 5/14/22 in the "Magic City" and reduced the price of the \$245,000 appraised building from \$30,000 to \$1000 through a text message [or phone call]. Woodfin text~~ed~~ [or call] Chief of Operations (COO) Chaz Mitchell during the public meeting to reduce the price to \$1000, and the crowd of



Omega's and city councilors erupted in cheers. No one questioned the relationship of the City employee who is also the current president of the organization.

A. Note: COO Chaz Mitchell is the finance guy, who is way more involved in financial transactions than the CFO, Kevin Moore. Mitchell is the link to all financial transactions, especially those connected to over \$10,000,000 related to Birmingham Promise and how they are related to Woodfin's Political Action Committee campaign scheme. The details are explained in greater detail in Doc. 2, ¶¶ 16-33 in the Rice vs. Ivey federal case. Mitchell oversaw the alleged misrepresentations related to federal American Rescue Plan Act (ARPA) funds Doc. 2, ¶¶ 37-38, Doc. 52-1, pp 10-11. Mitchell is directly responsible for overseeing the \$4 million of released funds for the Ramsay McCormack project that has been stalled for several years now and no one is using claw back clauses or holding the developer accountable for demolished property 1 block away from my buildings attached to no vertical development. Mitchell is responsible for overseeing, the Crossplex Family Fun Center \$1.4 million no bid contract for Morehouse alumni for Wesley and Woodfin connections who are both Morehouse graduates. City Councilor Hunter Williams and Carol Clarke on 1/18/23 questioned the transaction and Williams was visibly and verbally extremely frustrated. The family fun center is behind as well and no one is questioning the no bid origination with the current circumstance. We need federal oversight at the City of Birmingham. The City staff and officials have been emboldened to operate as if there are no laws regarding their actions.

**Local, State, and Federal laws allegedly breached involving City Actors intentionally suppressing real estate values related to inside dealing at 616 / 624 19<sup>th</sup> St Ensley.**

- 1) City Ordinance: Sec. 2-4-2. - No officer or employee elected or appointed in the city shall be interested, directly or indirectly, in any contract... City Ordinance Sec. 2-4-3. – All contracts shall be absolutely void and have no effect
- 2) AL Code § 8-19-5 Deceptive Trade Practices
- 3) City Ordinance Sec. 3-1-4 Sale of Surplus Property
- 4) 41 U.S. Code Chapter 87 - KICKBACKS
- 5) Alabama Code 36-25-5 — Use of official position or office for personal gain;
- 6) 18 U.S. Code § 1341 / 1343 **Mail / Wire Fraud**
- 7) Amendment XIV of the U.S. Constitution for Downtown Ensley Property Owners
- 8) 15 U.S. Code § 1 - Sherman Antitrust Act violations
- 9) And others

We need a federal investigation into the actions involving the City of Birmingham regarding Downtown Ensley and other alleged official misconduct. Please help, Department of Justice, U.S. Attorney Prim Escalona and / or Alabama Attorney General Steve Marshall.



**THE FINAL SECTION COVERS REPEAT EXAMPLES OF ALLEGED  
UNLAWFUL ACTIONS TAKING PLACE IN THE CITY OF BIRMINGHAM,  
DEPARTMENT OF INNOVATION AND ECONOMIC OPPORTUNITY  
(ALSO KNOWN AS THE ECONOMIC DEVELOPMENT DEPARTMENT)**



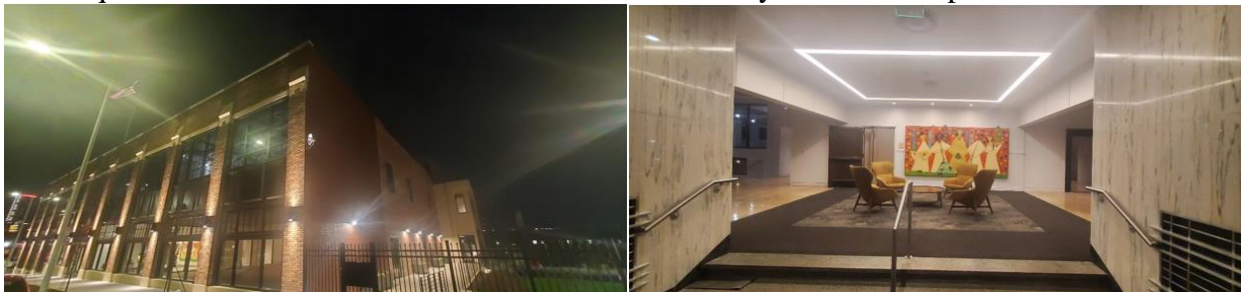
**PATTERN, PRACTICE, OR CUSTOM OF OFFICIAL MISCONDUCT INVOLVING CITY OF BIRMINGHAM ECONOMIC DEVELOPMENT DEPARTMENT UNDER JOSH CARPENTER (2018 – 2020) AND CORNELL WESLEY (2021 -2024)**

The 616 / 624 19<sup>th</sup> St Ensley alleged unlawful City sale actions on 4/22/24, 5/7/24, and 5/14/24 adjacent to my properties at 600-610 19<sup>th</sup> St Ensley prompted me to perform due diligence on Wesley's actions as the City Economic Development Director and how they relate to earlier actions of Josh Carpenter and Mayor Woodfin.

Below are a few examples of alleged official misconduct related to the economic development office now under Wesley and at all times under Woodfin and the City of Birmingham. The actions are disturbing and show an emboldened government that operates as if there is no law for the City of Birmingham under the Woodfin Administration and City Council.

**City Economic Development Dept. Involved in “Practice or Custom” of at Least 2 Other Alleged Unlawful Activities**

- (1) **City Crossplex – Family Fun Center:** Economic Director Cornell Wesley is responsible for overseeing a **\$1.4 million no-bid contract** to his and Woodfin’s friends from Morehouse through Riddle Project Group, led by Jeffrey Riddle. Riddle and Wesley are both Morehouse Omega Psi Phi Fraternity brothers. Wesley has put Morehouse and his fraternity over local citizens. On January 18, 2023, Councilors Williams and Clarke questioned the no-bid contract at the Committee of the Whole and Williams was visibly frustrated. Please investigate, [click here](#) and start watching near the [30 min mark](#). These actions are related to potential bid law violations, ethics, and **mail/wire fraud under 18 U.S.C. § 1341/1343**.
- (2) **The Rice vs. Ivey lawsuit describes numerous additional examples of known misuse of the public dollars.**
  - a. **Sticks and Stuff Building:** Cornell Wesley was responsible for overseeing alleged fraudulent misrepresentation regarding blight in order to secure approval for federal American Rescue Plan Act (ARPA) funds, even though the building was near 100% completion. The misrepresentations took place on 2/21/23 and 3/7/23. Please click here and view and listen starting around the 9 minute mark on 2/21/23 and around the 1 hour 20 min mark for alleged misrepresentations. Wesley stated the projects takes a “blighted, neglected building” and “the project calls for major reconstruction”. I have included pictures below of the actual conditions, not the stated blighted conditions, that I took between 2/21/23 and 3/7/23 to show that the building was not blighted and neglected at the time of the request to use federal money for blight. (Also included in Rice vs. Ivey – Doc. 2, ¶38) (**Relating to mail / wire fraud with federal resources**). Councilor Woods questioned the actual conditions but turned a blind eye to the misrepresentations.



- b. UAB / Southern Research Inside Deal led by Josh Carpenter, Woodfin’s first economic development director is essentially the entire focus of Rice vs. Ivey. I also included diagrams in Doc. 51, pp 77-81. Additional details were sent to the FBI on 8/29/22.

**Carpenter, Birmingham Economic Development Director write himself into \$84 million deal, resign 1 month later, become CEO, present before City 11 months later and secure approval; Public and Private Leaders turn blind eye involving City, UAB, & SRI**

**Precision Population Health**  
Birmingham’s strong location quotient in healthcare jobs, in combination with UAB’s demonstrated research expertise in precision medicine, informatics and population health provide an opportunity to grow Precision Population Health. In the wake of COVID-19, Birmingham should invest in precision population health.

**OBJECTIVES**

- C1. Construct pathways from education and research to industry for recent graduates with relevant skills and training.
- C2. Develop sites for biotech development with proximity to core assets such as medical district to recruit targeted companies or incubate new technologies.
- C2. Facilitate commercialization and technology transfer processes with creative R&D incentive initiatives and matching dollars.
- C4. Launch a biotech incubator program in partnership with anchor stakeholders to leverage to attract and retain industry investment.

**Insider Dealing with tax dollars: AL Ethics Law 36-25-13 for Revolving Doors**

**SR SOUTHERN RESEARCH**

**UAB PUTTING PEOPLE FIRST**

**Carpenter update City Economic Plans Oct 2020**

**Southern Research announces plans for new biotech building - Southern Research**

**Link to City Plan - [https://www.birminghamal.gov/wp-content/uploads/2020/10/IEO-Strategic-Plan\\_2018-to-2021.pdf](https://www.birminghamal.gov/wp-content/uploads/2020/10/IEO-Strategic-Plan_2018-to-2021.pdf)**

- c. Carraway Development – Woodfin executive staff representative Amanda Mueller, Mayor Woodfin, Chief Accountability Officer Melissa Smiley, Chief of Operations (COO) Chaz Mitchell oversaw the **\$3.7 million deficit misrepresentation** so federal ARPA funds could be used. (Councilor Woods and Abbott questioned the misrepresentation before final approval during the 11/28/22 budget and finance meeting. (Rice vs. Ivey – Doc. 2, ¶37 and Doc. 51-1 Court Transcript, pp. 10-11) (**Relating to mail / wire fraud**). [Click here](#), and you can start watching at the [1 hour and 34 min mark through the 2 hour and 22 min mark](#).
- d. Ramsay McCormack (508 19<sup>th</sup> St Ensley) – \$4 million of City funds have been allocated for the project approved in October 2019 under Carpenter as economic director. Wesley replaced Carpenter in 2021. Nearly 5 years later as of May 2024, the developer only has torn down the building and placed gravel over the lot. We need a full law enforcement investigation for the spending of \$4 million in public funds in Downtown Ensley. (Rice vs. Ivey – Doc. 2, ¶150 and Doc. 51, ¶141).





- e. Birmingham Promise revolving door violations and Woodfin campaign promotions involving \$10 million of city funds, over \$3 million in state funds, and over \$8 million in private funds were all planned and developed out of the economic development department under Josh Carpenter, Rachel Harmon and Mayor Woodfin. (All City Councilors, multiple City Attorneys, COO, and Mayor are involved in the misuse of public dollars.) See details originally explained in Doc. 2, pp 15-20, ¶¶ 18-36 and Doc. 51, pp. 73-76.

City of Birmingham multiple ethics violations, 501c3 violations, and campaign violations with the misuse of public dollars for personal gain associated Birmingham Promise, Prosper Birmingham, Brookings, UAB, Woodfin, Carpenter, and Harmon:  
Affected City and State Laws  
City of Birmingham Mayor Council Act: Sec 8.06  
City of Birmingham Ordinance: Sec 2-4-2, 2-4-3, 2-4-4  
AL Ethics Laws: 36-25-5, 36-25-6, 36-25-11, 36-25-13, 36-25-17, 36-25-27  
AL Fair Campaign Practice Laws: AL Code 36-14-18, 17-17-5, 17-17-4, 17-5-12, 17-5-19, 17-5-15, 17-17-3

**1**



Harmon  
Carpenter  
Woodfin

7/16/19 City Public Employees & Mayor present BHM Promise at City Council Meeting. Public servants planning out how to pay self and promote self with city dollars.

**2**

**ITEM 23.**  
A Resolution approving and authorizing the Mayor to execute a Project Agreement between the City of Birmingham and **Birmingham Promise, Inc.**, under which (1) Birmingham Promise will implement and administer a program to, among other things, increase post-secondary opportunities and increase economic prosperity for Birmingham City School graduates, thus developing a pipeline of talent for regional employers, and (2) the City of Birmingham will provide funding to Birmingham Promise, Inc. in the amount of \$2,000,000.00 per year for five (5) years, subject to extension in accordance with the terms of the Agreement. [Funding Source: 001\_400\_96200\_96216.550-003 – General Fund Boards and Agencies] (Submitted by the City Attorney) (Recommended by the Mayor) \*\*

City approve \$10 million over 5 years on 10/15/19. Funding was submitted by City Attorney and recommended by Mayor to be placed on consent agenda which all City Councilman approved.

**3**



Harmon leave City to become Executive Director 4/29/20 violating Mayor Council Act and **ethics laws** 36-25-13 and 36-25-5 of program she created with public dollars under Carpenter and Woodfin

**4**



City send \$2 million in FY20 + \$2 million in FY21 of public dollars to BHM Promise with known "revolving door" 36-25-13 ethics violation after Harmon arrive after Harmon planned her own job with city dollars. Carpenter become board member. City economic development department employees planning out personal gain through education scheme while underserved businesses districts need economic development

**5**



Harmon and Woodfin in interview 5/24/21 during campaign season openly talk about BHM Promise ethics violations. BHM Promise openly violate 501c3 IRS campaign laws after receiving \$4 million of tax payer dollars and promote Woodfin multiple times in official press conferences and promoting "The Committee to Re-Elect Woodfin" Facebook page during campaign season and executive director, public officials, public employees, and city attorneys **turn blind eye** with multiple state & federal violations and misuse of public dollars

Part 2 of Birmingham Promise Inside Dealing: Item 4 sent to the FBI on 8/29/22

**4** (1) Prosper approve **\$8 million** for BHM Promise where (2) Woodfin and Watts are Prosper board members; (3) BHM Promise is already openly promoting Woodfin as a 501c3 violating IRS and State Fair Campaign Practices. (4) Carpenter is BHM Promise board member, (5) Harmon is Executive Director of BHM Promise that she created under Woodfin and Carpenter as city employee violating ethics laws, mayor council act, and city ordinances for misuse of office for personal gain. Public Officials, Public Employees, City Attorney, Non Profit **all turn blind eye** to city, state, and federal violations.

7/16/19 City Economic Development Employees & Mayor present BHM Promise education program at City Council Meeting. Council approve \$10 million on 10/15/19. 6 months later, Harmon is the Executive Director of program she created violating ethics laws, mayor council act, and city ordinances. 2 Years later BHM Promise is promoting Woodfin campaign violating 501c3 Fair Campaign Practice Laws.

f. **City Attorney Nicole King involvement:** The City Attorney also got in on some of the inside deals. There have been numerous Birmingham City Schools (BCS) properties sold to the City of Birmingham and then used for public / private development under the Woodfin Administration. Prior to becoming Mayor, Woodfin was the school board president and he was intimately familiar with the relationship of Nicole King who was an assistant city attorney with him and her husband, who was BCS, real estate agent for BCS properties. The BCS real estate representative, Marlon King (BLOC Global) is the husband of the head City Attorney Nicole King. City leaders have failed to supervise or discipline the Mayor’s appointed leadership team or his directors as described in this complaint started with the City Attorney. City Council agendas show the City Attorney (Nicole King) submitted the \$820,000 Hill School transaction on 2/15/22 and the \$50,000 low ball, Ensley High School transaction on 11/19/19 for the City to purchase where there are real estate agent fees for her husband in the transactions. The City Council approved. Now, if the City Attorney is compromised, then is all legal department supervision compromised when then next conflict of interest appears for those who allowed her transaction to go through? The City Attorney has put personal interest over local citizens.

**CLOSING**

DOJ, AL Attorney General Office, please step in. It is obvious that local to state to federal laws are regularly disregarded under the Woodfin Administration and supervised by the City Council. All are aware, from Federal Opportunity Zones to Birmingham Promise to Ramsay McCormack to the Crossplex \$1.4 million no-bid contract to the \$1000 sale of the Ensley former West Police Precinct at 616/ 624 19<sup>th</sup> Street Ensley. Please step in and stop the abuse of office.

The recent 616 / 624 19<sup>th</sup> St Ensley sale triggers benefit from oppression as described in Section 35 of the Alabama Constitution for the City of Birmingham. The recent sale triggers and the African Americans involved are benefitting from suppression of real estate values and commercial development in Downtown Ensley by all involved in removing federal economic development resources from Downtown Ensley, and then being involved in purchasing distressed and suppressed properties. One block away, the City of Birmingham have been in ongoing litigation from 2012 to 2024 for “willful neglect” and “suppression of real estate values” affecting all owners in Downtown Ensley in Ensley Revitalization Committee, et al vs City of Birmingham, CV-2012-903289.00 Circuit Court of Jefferson County, AL led by Attorney Antonio Spurling.

Local ordinances and state law, mandate the municipality “to protect and conserve the value of land, buildings, and improvements, neighborhood amenities and the natural environment in all parts of the municipality” (City of Birmingham Ordinance, Sec 1 and Sec. 1.2).

Downtown Ensley and the Ensley community are faced with some of the worst economic discrimination and structural barriers ever imagined. African American property owners own over 50 commercial buildings and I have only learned of 1 African American who has received a loan from a local bank to develop their properties. Blight, distressed conditions, vacant buildings, diminished property values, high unemployment, and the side of affect unsafe conditions with violent crime are expected here when we can’t improve our economic conditions.

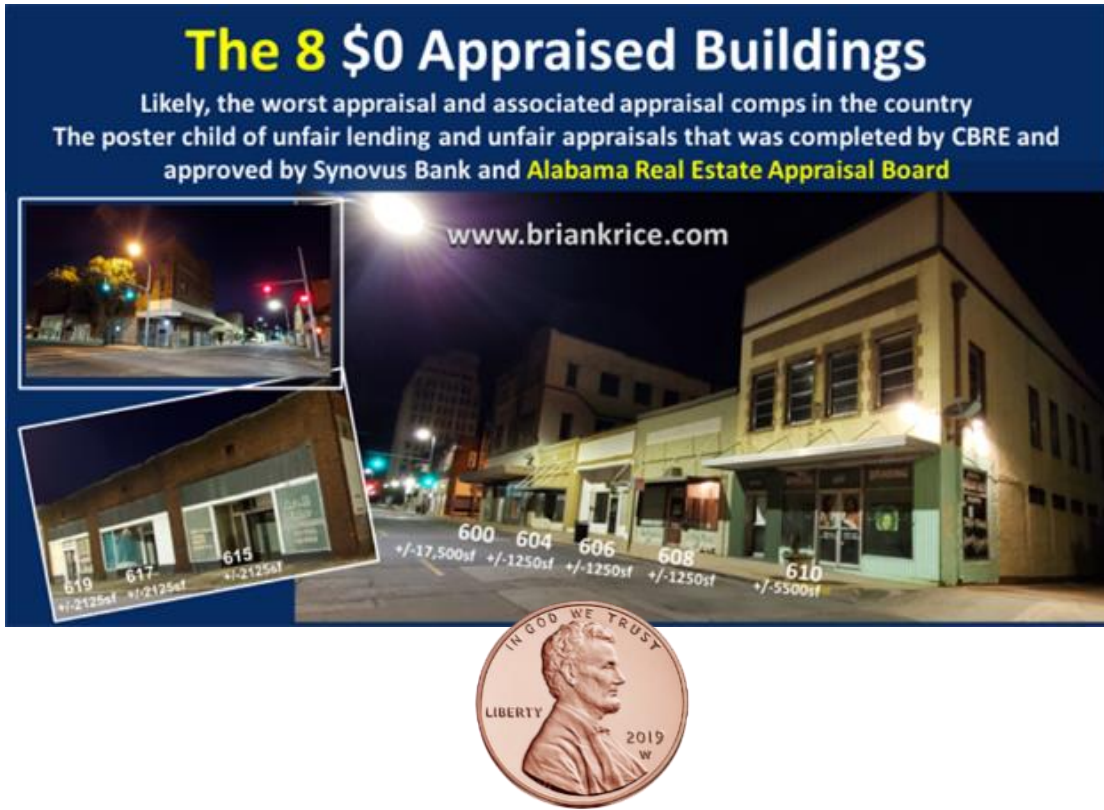
I am asking the DOJ, U.S. Attorney Prim Escalona or the Alabama Attorney General to investigate and stop the recurring actions of the City of Birmingham. Their actions are beyond gross negligence. It is obvious that intent is shown to commit public violations after violation for the benefit of public officials, employees, and the private gain of others. Please help.

I have lost 100% access to property value while still being injured by my closest neighbor, which is the City of Birmingham at 616/624 19<sup>th</sup> St Ensley. **I have no rights here.**

**No American should experience their building values being erased, federal economic development resources removed for 10 years, right to protest property taxes removed and then backed by multiple layers of public servants. No person should experience their buildings being appraised less than a single U.S. penny. No person should have to live under an unchecked local government. I have lost 6 years in this oppressive American environment. Please step in and stop the undeniable oppression and suppression regardless of race or party. Please step in and stop the unchecked balance of powers between the mayor, council, and staff in the City of Birmingham.**







**HELP! To be oppressed by public servants is fraud in itself. To remove the basics of rights from any citizen is to disregard the dignity of that citizen. I “petition the Government for a redress of grievances”, as described in Amendment I of the U.S. Constitution. Please stop the reckless disregard to local, state, and federal laws inside the City of Birmingham. Please HELP!!!**

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