



March 9, 2010

Huberty Rips Runoff Foe in Wake of DA's Decision to Throw Out Criminal Complaint

By Mike Hailey Capitol Inside Editor

Republican **Dan Huberty's** campaign revealed Tuesday that Harris County District Attorney **Patricia Lykos** had refused to intervene in a Texas House runoff battle when her office revealed that it wouldn't pursue allegations of criminal wrongdoing that the candidate says primary rival **Susan Curling's** camp lodged against him.

While the Curling campaign insisted that it had never filed a criminal complaint related to conflict of interest charges that it aimed at her chief primary rival before last week's election, Huberty contended that his runoff opponent in the race to replace State Rep. **Joe Crabb** owes apologies to his family and the voters of House District 127 in the wake of the decision by prosecutors to dismiss the accusations in question after investigating them.

"After a thorough and independent investigation, I do not find sufficient evidence to substantiate any criminal charges in the matter; therefore, the investigation will be closed," **Jennifer Devine**, an assistant district attorney in the county's public integrity division, said in a letter to **Susan Walden**, a Humble resident who'd requested the probe into the allegations involving Huberty.

The woman who submitted the complaint to the Republican DA's office is not the same person as the prominent political fundraiser in the Houston area with the same name. But Huberty's consultant, **Allen Blakemore**, asserted that there's sufficient cause to believe that Curling's campaign was behind the push for a criminal inquiry even if Walden isn't associated with it directly especially when considering that Devine sent copies of the letter on the investigation to his client who'd been the target of it and his runoff foe as well.

Curling had accused Huberty in the closing weeks before the March 2

primary election of sweetheart dealing as a result of a decision by the Humble school board when he was leading it as president to award an advertising and marketing contract to a company where his wife worked at the time.

“Curling’s actions are those of a desperate candidate, out of control and on a destructive path, willing to say and do anything to get elected,” Huberty said. “I do not believe this is the sort of person the people of District 127 are looking for in a new State Representative.”

Curling, a Humble physician, forced Huberty into an April 13 runoff when he finished with 49 percent of the vote last week while she received 20 percent herself as two other candidates were eliminated from the competition.

Despite the DA's decision that formal charges against Huberty weren't warranted, the Curling campaign stepped up the criticism instead of backing off from it while contending that federal income tax records show that her runoff opponent's wife was paid by the firm that landed the contract in question despite Huberty's assertion that she only worked as a volunteer on the project for the school district.

Curling consultant **Ted Delisi** said HD 127 voters were familiar with "the insider deals and pay for play politics" that the campaign has accused Huberty of engineering.

"Mr. Huberty's repeated shady ethical conduct shows a willful pattern of ignoring taxpayers," Delisi said. "Dan Huberty led the charge to raise taxes in 2008 twice - this runoff is about taxes and ethics. Dan Huberty has failed on both counts."

The Huberty campaign, however, said Curling's attempt to turn a political campaign into a criminal case and the subsequent decision by the DA to throw out the complaint painted "an ugly picture" of his runoff foe even though her camp denied that it had initiated the probe by prosecutors.

“Political campaigns will always involve a certain amount of back and forth, charge and counter charge – it is a reality of modern campaigns,” Huberty said. “However, in taking her attacks outside the political arena, filing criminal charges and involving local law enforcement, it seriously calls into question Ms. Curling’s judgment.”

While Huberty had considerable name identification in the race to replace Crabb as the lead trustee in the largest school district in HD 27, Curling

had almost twice as much cash for the race as he did with a war chest that topped \$280,000 thanks in large part to a \$100,000 loan to her campaign. Curling's attacks on Huberty appeared to be a key factor in his inability to win the HD 127 GOP primary outright last week while giving her a second shot at him in a runoff that will give voters an opportunity to focus on two candidates instead of four.