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February 16, 2005

Honorable Jack Benson, Sr.  
Chairman, Chattanooga City Council  
Chattanooga, Tennessee 37406

**RE: Cover-up & Conspiracy Resulting  
in Double Sewer Bills for Taxpayers**

Dear Councilman Benson:

I am writing this letter to bring to your attention and for immediate action, a criminal conspiracy involving Chattanooga Chief of Police Steve Parks, Mayor Bob Corker, and others, including: former Mayors Roberts and Kinsey, former Public Works Director Jack Marcelles, and former Mocassin Bend Treatment Plant Director, Eugene "Bunky" Wright, to allow and protect illegal dumping in Chattanooga for the past 15 years, which has resulted in double sewer bills for Chattanooga Taxpayers.

My Background: In 1971, my colleague Gerald Smith, and I started the first state-supported crime lab in Chattanooga, which was recently closed down by Governor Bredesen for lack of funding. I am an expert in analysis and identification of chemical compounds, including drugs and hazardous wastes. I have testified as an expert witness in 504 court cases in Tennessee and Michigan, and was a member of the chemistry staff at Michigan State University, East Lansing, Michigan, for eight (8) years where I was supervisor of the Mass-Spectrometry Facility--the heart of EPA hazardous waste testing. Here in Chattanooga, I taught chemistry and microbiology laboratories at Chattanooga State Technical Community College in 1992 and 1993. Recently I received my certification in molecular biology and DNA testing from Michigan State University. I am uniquely qualified to make and prove the allegations contained in this correspondence.

Proof of Allegations: To support my allegations, I am attaching proof in the form of City, State, and Federal court records, official documents, and tape recordings.

Local Problem; Reason for Cover-Up: The illegal dumping, coupled with other illegal activities allowed by the City of Chattanooga, has over the years contaminated Little Debbie® products baked in the

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Chattanooga Area by McKee Foods Corporation. As early as 1993, I brought to the attention of Jack McKee, CEO of McKee Foods Corporation, the potential and direct threat that faced his company.

However, Mr. McKee continues to ignore the situation and has joined ranks with the City, with the dumper William (Billy Ray) Foxworth, and others, to cover-up McKee's criminal negligence of making "dirty" Little Debbie® products which are being sent to Canada, Mexico, Russia, all of North America, and to our military bases all over the world.

Investigation: I hereby respectfully demand that an official investigation of these charges be commenced and thoroughly carried out, *and that there not be another cover-up by city officials.*

Protected Illegal Dumping; Violation of the Public Trust:

- In 1990, Mayor Gene Roberts started an investigation by Lt. Steve Parks, of my charges against dumper, William (Billy Ray) Foxworth ("Foxworth"), who owns the local Roto-Rooter franchise and Hydro-Vac Services, Inc. The investigation proved Foxworth's criminal dumping activity to be so vast and fraudulent against the Chattanooga taxpayers, that an immediate conspiracy developed to cover-up the fraud and to protect over 150 companies who generated the waste dumped by Foxworth, and most importantly, to protect the reputation of Chattanooga's second-largest employer, McKee Foods Corporation. Foxworth pled guilty in 2002 before federal judge Allen R. Edgar, regarding some of his crimes against the Chattanooga Taxpayer, but is still allowed to operate his business in Chattanooga. Foxworth's major crimes were ignored.
- The ongoing conspiracy to cover-up the illegal dumping has forced sewer bills to rise until the average Chattanooga taxpayer is now paying more than **double sewer bills** due to the expense of having to treat all the waste that has been allowed to be dumped for free.
- There is absolute proof that Foxworth was allowed to illegally dump into the Chattanooga sewer system for free for the past 15 years while the Chattanooga taxpayers picked up the bill for this "protected" activity. There is absolute proof that over 150 companies in the Chattanooga Area and elsewhere, benefitted from the illegal use by Foxworth of the Chattanooga sewer system resulting in **double sewer bills for the taxpayers.**
- There is absolute proof that Mayors Gene Roberts, Jon Kinsey, and now Bob Corker, have knowingly conspired over the past 15 years with then Lt. and now Chief of Police Steve Parks, and

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members of the Public Works Department, along with Hamilton County Circuit Judge Samuel H. Payne, to defraud the Chattanooga taxpayers, by using their respective offices to allow, protect and conceal illegal sewer dumping by Foxworth and a host of their "friends in the city", against the public trust.

- Due to my persistent 11-year whistle blowing activities against Foxworth and the illegal dumping operation, in 2001 members of the Public Works Department conspired to force me into damaging a sewer main during a plumbing job, then sued me for the damages. I filed a counterclaim against counter-defendants City of Chattanooga, McKee Foods Corporation, three law firms, and the dumper Foxworth for conspiracy to protect the ongoing illegal dumping operation and for violation of my civil rights as a whistle blower. The counter-defendants, who were designated as the "2001 Defendants" banded together with Federal Judge R. Thomas Stinnett, to force a settlement against my will and not allow me to present the evidence. The City, who sued me, has conspired with the dumper, the three Chattanooga law firms protecting the dumping, and with McKee Foods Corporation and its CEO Jack McKee, to continue the cover-up, continue to allow the dumping costing taxpayers **double sewer bills**, and to continue protecting those persons responsible for the cover-up. The federal court officer and federal judge have agreed to settle the City's law suit against me, against my will, and force me to accept a payment by the City as a settlement where I agree never to sue them in return. YOUR CITY SUES ME, ILLEGALLY DROPS ITS LAWSUIT, AND NOW IS FORCING ME TO ACCEPT A SETTLEMENT PAYMENT FROM THE CITY AND THE 2001 DEFENDANTS TO LET THEM GO! ONLY IN A CHATTANOOGA COURTROOM COULD SOMETHING SO BIZARRE OCCUR!

Attached Documents:

1. On February 16, 2004, shortly after Steve Parks became Chief of Police, I sent him the attached letter referenced as: *"Cover-up of Illegal Hazardous Waste Dumping, Bank Fraud, Conspiracy, RICO Operation in Chattanooga by City, County, and State Officials"*. This letter describes in detail the conspiracy to trick newly appointed Systems Engineer Alice Cannella into approving Foxworth's rejected treatment plant, and to defraud First Tennessee Bank into supporting a \$900,000 loan with worthless collateral. This allowed Foxworth to continue to cheat the Chattanooga taxpayers with his illegal dumping operation. On February 24, 2004, I received the attached answer of Chief Steve Parks' conspiracy with Mayor Bob Corker to continue to cover-up this outrage against the

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Chattanooga taxpayer. In his short, four sentence response, Chief Parks states:

"I am in receipt of your letter of February 16, 2004. The matters you address in your letter have been the subject of several different civil lawsuits which have all been dismissed. These matters should be addressed to the Environmental Protection Agency and/or to the Federal Bureau of Investigation."

The letter shows a copy was sent to Mayor Corker. Also my letter to Mayor Corker in this matter brought the issue to his attention as well, and contained my detailed letter to Chief Parks. I never heard any response from Mayor Bob Corker on this or any of my several other attempts during his time as Mayor, to stop the illegal dumping that is costing Chattanooga taxpayers double sewer bills.

2. Mr. Benson, I am enclosing for your review, my recent filings in Federal Court that support my allegations against Chief Parks and others in this matter. I can prove there exists an ongoing conspiracy of state and federal judges, state and federal prosecutors and politicians, including City Councilman John Lively, who was chief salesman to the dumper William (Billy Ray) Foxworth, to allow and protect illegal use of the Chattanooga sewer system resulting in double sewer bills for Chattanooga taxpayers.
3. The attached **Memorandum Of Law And Brief In Support** filed on December 6, 2004 contains 11 Exhibits. I would particularly bring to your attention Exhibit#3: "When the statute of limitation begins to run on charge of obstructing justice or of conspiring to do so." 77 ALR3d 725. This federal Annotation clearly describes where a federal judge was indicted 14 years after the original conspiracy to obstruct justice and debase the administration of justice had begun.
4. Chief Parks' recent letter refusing to act in his official capacity with full tape-recorded knowledge of proof of my allegations, against the public trust, has again tolled the statute of limitations. In the enclosed CD copy of my web site, **"www.Tennesseeagate.com"** (audio portion), Chief Parks can be heard on tape with dumper William Foxworth and his attorney, William Colvin, admitting to Lt. Parks their knowledge that former City Systems Engineer George Kurz rejected the Hydro-Vac treatment plant that was knowingly and fraudulently used as collateral to make the \$900,000 loan

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which allowed Foxworth to continue his dumping business and defraud the Chattanooga taxpayers. This fraudulent loan had to be protected at all costs because the illegality of its exposure would upset the criminal activities of a host of very prominent persons in Chattanooga who have benefitted from the illegal use of the sewer system over the past 15 years, which has resulted in double sewer bills to the taxpayers.

I respectfully request you demand an investigation of this criminal activity by an outside federal prosecutor from Washington, who is not attached to the local good-ole-boy-club in Chattanooga.

5. Mr. Benson, the audio portion of the enclosed "**Tennesseegate**" CD has Hamilton County State Circuit Court Judge Samuel H. Payne telling me that he's not concerned about the dumping going on in his own district, that he is not a public protector, that he allows lawyers to lie in their pleadings to him and that he did not read what I filed before him. He then threw me out of his court and enjoined me from ever refileing in circuit court, in direct violation of the federal court's (Judge James H. Jarvis) earlier order.\* Yet, Payne also ambiguously states in the tape-recorded conversation that he's bound by what the federal court does. Judge Payne, who is also an Episcopal Priest in Chattanooga, refuses to address his fraud against me and the taxpayers of Chattanooga.

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\*Federal Court Judge Jarvis ordered that I be allowed to return to Judge Payne's court to refile my lawsuit against the dumper; Judge Payne, instead, defied the Federal Judge by refusing to read my cause of action and enjoining me from refileing the cause in circuit court--and this decision has been allowed to stand all these years; no one in a position of authority, like yourself, has ever addressed this issue!

Chief Parks is fully aware that the "civil case" he is using to support his refusal to investigate my charges, or to bring them before a grand jury, is Judge Payne's illegal and fraudulent Order protecting the fraud against the Chattanooga taxpayer paying double sewer bills.

When I brought it to the attention of Judge Payne that he was "duped" by Foxworth's attorney, William Colvin, into signing the "Order" (as drafted by Colvin), referred to above by Chief Parks, Judge Payne refused to address this issue and has allowed it to remain in place for the past 12 years, protecting the illegal activities of Foxworth. Foxworth's activities include the recent four-year dumping of Walmart's hazardous "used oil" from 350 auto stores in the Southeast into the Tennessee River. The blatant cover-up by Judge Payne tolls the statute of limitations.

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6. When I attempted to bring the activity of Judge Payne before the Hamilton County Grand Jury, Grand Jury Foreman Marcia Crabtree informed me in a tape-recorded conversation, that Judge Douglas Meyer--who is Judge Payne's former law partner--stated it would be alright not to allow me to address the Hamilton County Grand Jury, in direct violation of the Tennessee Code.
7. Fully aware that Judge Meyer and the Grand Jury Foreman had blocked my attempt to address the criminal activities of Judge Samuel Payne, U.S. Attorney Harry Mattice allowed Assistant U.S. Attorney Guy Blackwell to lie in open court before U.S. Senior District Judge Allen R. Edgar regarding Foxworth's illegal dumping of Walmart's hazardous "used oil" into the Tennessee River and Foxworth's issuance of fraudulent federal certifications, certifying that his employees cleaning up hazardous waste spills in Chattanooga were trained. U.S. Attorney Mattice told me in official correspondence that my allegations to him don't raise to the level that he is required to report. Being aware that Judge Meyer blocked my attempt to address Judge Payne's criminal activities before a grand jury, U.S. Attorney Mattice realizes any serious investigation of my 15-year whistle blowing activities, would certainly affect many of his close friends in Chattanooga.

This is why I request you seek a special prosecutor from Washington to investigate this 15-year conspiracy that is costing double sewer bills to the Chattanooga taxpayer.

8. When I called Walmart Headquarters in Arkansas in the Summer of 2000, informing them that dumper William Foxworth was dumping their hazardous "used oil" directly into Chattanooga Creek behind the Hydro-Vac Services plant, Walmart canceled the \$2,000,000/year contract Foxworth had enjoyed for the previous three (3) years. Foxworth, thinking one of his former employees had made the call, filed a lawsuit in the Circuit Court of Hamilton County listed as Docket #00C1724. This law suit can be seen in the enclosed "**Tennesseegate**" CD under "Legal", and fully describes Foxworth's contract with Walmart. When Foxworth learned that I was the person who had made the call to Walmart, Foxworth immediately dropped the lawsuit like a hot rock! Foxworth has never been charged with dumping Walmart's hazardous "used oil". The FBI and U.S. Attorney Mattice were provided pictures and testimony of persons present at the dumping. You can easily see the oil running

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into the Chattanooga Creek on the first page of the "**Tennesseegate**" CD.

9. Back on June 14, 1994, I was scheduled to appear and make a presentation on "Tennesseegate" during the first 5 minutes of the City Council meeting. However, just five minutes before I was to appear before the City Council, Mr. Don Eaves, Chairman of the Council, called me into his office and denied me my right to appear. The tape-recorded conversation and transcript are attached herein and Mr. Eaves is clearly heard saying I am being denied my right to appear before the City Council because, "... We go out on the air..." and "... You see this goes out before the cameras...". Mr. Eaves, who is presently running for city council in the upcoming election, is heard intentionally keeping information from his constituents and the people of Chattanooga that has resulted in their now paying **double sewer bills**.

Mr. Benson, my attached letter to Chief Parks, with a copy to Mayor Corker, describes in detail the criminal activity of Foxworth's illegal dumping of Walmart's hazardous "used oil" into the Tennessee River, but U.S. Attorney Harry Mattice says this doesn't raise to the level that he has to report. Also, Mr. Mattice allowed Assistant U.S. Attorney, Guy Blackwell, to lie in open court to federal Judge Allan R. Edgar regarding Foxworth's dumping of Walmart's oil. Walmart's oil was never mentioned to Judge Edgar, and Guy Blackwell and defense attorney Jerry Summers both knowingly lied to Judge Edgar regarding Foxworth's criminal activities. I wonder if this cover-up had anything to do with the Walmart's building a SuperCenter on the land owned by Mayor Bob Corker?

I respectfully request to be placed on the agenda of the Chattanooga City Council on February 19<sup>th</sup> **before the cameras**, to address the issue of **double sewer bills** and the conspiracy addressed in this letter.

A copy of this correspondence will be sent to all members of the Chattanooga City Council, all candidates running in the City election on March 1, Mr. Tom Griscom of the *Chattanooga Times*, Mr. Kevin West of WGOW Radio, and other interested parties. Copies of the attached exhibits and copies of the attached tape recordings of Don Eaves and Judge Samuel H. Payne can be seen and heard at **www.Tennesseegate.com**. Tape recordings of Grand Jury Foreman Marsha Crabtree and Assistant Hamilton County District Attorney Bill West,

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and Others, can be heard at the audio section of [www.TennesseeGate.com](http://www.TennesseeGate.com).

**"TennesseeGate"** will soon be published as a book in 2005. Your actions in this matter will be reflected in the book **"TennesseeGate"** just as they happen. There will be no names changed nor any fiction added, only facts and the *truth as it happened*.

The lessons of Watergate have not been learned by many prominent persons here in Chattanooga during the past 15 years. Eventually someone with the power and authority will be here to ask you and others **"What they new and when they knew it."**

I hope to hear from you immediately on the issues raised in this correspondence.

Very truly yours,



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Ernest A. Oliver  
Retired Forensic Scientist/  
State Police Investigator, and  
Certified Molecular Biologist