

**United States District Court for the
NORTHERN DISTRICT OF ALABAMA**
Southern Division
(SECOND AMENDED COMPLAINT)

Plaintiff

Brian K. Rice, Plaintiff, pro se

v.

Governor Kay Ivey, in her official capacity as Governor of the STATE OF ALABAMA,

Alabama Department of Economic & Community Affairs; and Kenneth Boswell, in his official capacity as Director; Michael Wade Presley in his official capacity as Communications and External Affairs Unit Chief, University of Alabama at Birmingham (UAB); and Dr. Ray L. Watts, in his official capacity as President of the UAB; Joshua D. Carpenter in his former official capacity as Director of External Affairs in the Office of the President of UAB,

Alabama Ethics Commission; Brian H. Paterson, Jr., in his individual capacity and official capacity as Assistant General Counsel of the Alabama Ethics Commission,

City of Birmingham; and Mayor Randall L. Woodfin, in his individual capacity and official capacity as the Mayor of the City of Birmingham; and Joshua D. Carpenter in his individual capacity and former official capacity as Director of Innovation and Economic Opportunity for the City of Birmingham,

Southern Research Institute, Inc.; and Joshua D. Carpenter. in his official capacity as President and CEO,

“See attached for other Defendants”

Defendant(s)

Case No.: 2:23-cv-01382-RDP
(to be filled in by the Clerk's Office)

JURY TRIAL Yes No

Additional Defendants

The City of Birmingham City Council; and Clinton Woods is sued in his official capacity as District 1 City Councilor; and LaShunda Scales is sued in her former official capacity as District 1 City Councilor; and Hunter Williams is sued in his official capacity as District 2 City Councilor; and Valerie Abbott is sued in her official capacity as District 3 City Councilor; and Jonathan T. Moore is sued in his official capacity as District 4 City Councilor; and William Parker is sued in his former official capacity as District 4 City Councilor; and Darrell O’Quinn is sued in his official capacity as District 5 City Councilor; and Crystal Smitherman is sued in her official capacity as District 6 City Councilor; and Sheila Tyson is sued in her former official capacity as District 6 City Councilor; and James Earnest “Jay” Roberson is sued in his former official capacity as District 7 City Councilor; and Wardine Alexander is sued in her official capacity as District 7 City Councilor; and Carol E. Clarke is sued in her official capacity as District 8 City Councilor; and Steven Hoyt is sued in his former official capacity as District 8 City Councilor; and LaTonya Tate is sued in her official capacity as District 9 City Councilor; and John Hilliard is sued in his former official capacity as District 9 City Councilor,

Forbes-Tate Partners LLC; and Wesley Ryan Welch is sued in his official capacity as Partner,

Pine Street Strategies, LLC; and Donald Calloway, Jr. is sued in his individual and official capacity as a federal lobbyist and CEO of Pine Street Strategies LLC,

Corporate Realty Development, LLC; and Robert A. Simon is sued in his official capacity as CEO & President,

ServisFirst Bank; and Thomas A. Broughton, III is sued in his official capacity as President and Chief Executive Officer,

REV Birmingham, Inc.; and David B. Fleming is sued in his individual capacity and his official capacity as President and CEO,

Birmingham Business Alliance (BBA); and Brian Hilson is sued in his former official capacity as CEO.

Defendant(s)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff

The Plaintiff, Brian K. Rice located at [REDACTED] is a U.S. citizen over the age of 18 doing business as Count Williams Investment, LLC.

B. The Defendant(s)

Defendant No. 1: Governor Kay Ivey (Governor Ivey), is sued in her official capacity as the Governor in the Office of Governor, State of Alabama (STATE) located at 600 Dexter Avenue, Montgomery, Montgomery County, AL 36130.

Defendant No 2: The Alabama Department of Economic and Community Affairs (ADECA) (collectively as ADECA Defendants) is a state entity created and established under AL Code § 41-23-1 within the Office of the Governor. Address is 401 Adams Avenue, Montgomery, Montgomery County AL 36104.

Defendant No 3: Kenneth Boswell (ADECA Director), (collectively as ADECA Defendants). is sued in his official capacity as Director of the Alabama Department of Economic & Community Affairs. Located at 401 Adams Avenue, Montgomery, Montgomery County AL 36104.

Defendant No 4: Michael W. Presley (M. Presley), (collectively as ADECA Defendants) is sued in his official capacity as Communications and External Affairs Unit Chief, Alabama Department of Economic & Community Affairs. Located at 401 Adams Avenue, Montgomery, Montgomery County AL 36104.

Defendant No 5: State Ethics Commission is a state entity created and established under AL Code § 36-25-3 is located at 100 N Union St #104, Montgomery, AL 36104.

Defendant No. 6: Brian Hall Paterson, Jr., (B. Paterson) in his official capacity as Assistant General Counsel, Alabama Ethics Commission, 100 North Union Street, Suite 104 Montgomery, Montgomery County, AL 36104.

Defendant No. 7: Brian Hall Paterson, Jr., (Paterson) is sued in his individual capacity. Last known home address of [REDACTED]

Defendant No. 8: University of Alabama at Birmingham (UAB) (collectively as UAB Defendants). is a public educational institution established by and under the laws of the State of Alabama, with its principal campus located in Birmingham, Jefferson County, Alabama. Office of Risk Management, 1720 2nd Avenue South, JNWB 504B, Birmingham, Alabama, 35294-0500.

Defendant No. 9: Dr. Ray L. Watts, (UAB President) (collectively as UAB Defendants) is sued in his official capacity as President, University of Alabama at Birmingham (known as UAB); Office of Risk Management (1720 2nd Avenue South, JNWB 504B, Birmingham, Alabama, 35294-0500).

Defendant No 10: Southern Research Institute, Inc. (SRI) (collectively as SRI Defendants). Registered Agent: W J Daniel, 701 20th Street South Ste 820 Birmingham, AL 35233.

Defendant No 11: Dr. Ray L. Watts (SRI Chairman) (collectively as SRI Defendants) in his official capacity as Chairman of the board and former President of Southern Research Institute, Inc. Registered Agent: W J Daniel, 701 20th Street South Ste 820 Birmingham, AL 35233.

Defendant No. 12: City of Birmingham (CITY) (collectively as CITY Defendants) is a municipal corporation organized under the statutes of the State of Alabama and is defined as a “person” as that word is given meaning under 42 U.S.C. §1983. Address for City Official Actions: Lee Frazier, Office of the City Clerk, City Hall-3rd Floor, 710 North 20th Street, Birmingham, Alabama 35203.

Defendant No. 13: Randall Lee Woodfin, (Randall Woodfin) in his individual capacity; last known address [REDACTED]

Defendant No 14: Randall Lee Woodfin in his official capacity as the Mayor of the City of Birmingham (Mayor Woodfin) (collectively as CITY Defendants). Address for all official claims and legal actions against the City: Lee Frazier, Office of the City Clerk, City Hall-3rd Floor, 710 North 20th Street, Birmingham, Alabama 35203.

Defendant No. 15: The City of Birmingham City Council, (collectively known as City Council) hereafter is the legislative body of the City of Birmingham in the “mayor-council” form of government and the full city council is sued in their official capacities. The City Council shall have nine members elected from single-member districts pursuant to section 2 of Ordinance 89-46, adopted pursuant to section 11-43-63 of the Code of Alabama 1975. Address for all official claims and legal actions against the City: Lee Frazier, Office of the City Clerk, City Hall-3rd Floor, 710 North 20th Street, Birmingham, Alabama 35203.

Defendant No 16: Clinton Woods (C. Woods), (collectively as City Council) is the elected City Council member of the City of Birmingham for District 1. C. Woods is sued in his official capacity. Address for all official claims and legal actions against the City: Lee Frazier, Office of the City Clerk, City Hall-3rd Floor, 710 North 20th Street, Birmingham, Alabama 35203.

Defendant No 17: LaShunda Scales (L. Scales), (collectively as City Council) is the immediate past elected City Council member of the City of Birmingham for District 1. L. Scales is sued in her official capacity. Address for all official claims and legal actions against the City: Lee Frazier, Office of the City Clerk, City Hall-3rd Floor, 710 North 20th Street, Birmingham, Alabama 35203.

Defendant No 18: Hunter Williams (H. Williams), (collectively as City Council) is the elected City Council member of the City of Birmingham for District 2. H. Williams is sued in his official capacity. Address for all official claims and legal actions against the City: Lee Frazier, Office of the City Clerk, City Hall-3rd Floor, 710 North 20th Street, Birmingham, Alabama 35203.

Defendant No 19: Valerie Abbott, (V. Abbott), (collectively as City Council) is the elected City Council member of the City of Birmingham for District 3. V. Abbott is sued in her official capacity. Address for all official claims and legal actions against the City: Lee Frazier, Office of the City Clerk, City Hall-3rd Floor, 710 North 20th Street, Birmingham, Alabama 35203.

Defendant No 20: Jonathan T. Moore (J.T. Moore), (collectively as City Council) is the elected City Council member of the City of Birmingham for District 4. J.T. Moore is sued in his official capacity. Address for all official claims and legal actions against the City: Lee Frazier, Office of the City Clerk, City Hall-3rd Floor, 710 North 20th Street, Birmingham, Alabama 35203.

Defendant No 21: William Parker (W. Parker), (collectively as City Council) is the immediate past elected City Council member of the City of Birmingham for District 4. W. Parker is sued in his former official capacity. Address for all official claims and legal actions against the City: Lee Frazier, Office of the City Clerk, City Hall-3rd Floor, 710 North 20th Street, Birmingham, Alabama 35203.

Defendant No 22: Darrell O'Quinn (D. O'Quinn), (collectively as City Council) is the elected City Council member of the City of Birmingham for District 5. D. O'Quinn is sued in his official capacity. Address for all official claims and legal actions against the City: Lee Frazier, Office of the City Clerk, City Hall-3rd Floor, 710 North 20th Street, Birmingham, Alabama 35203.

Defendant No 23: Crystal Smitherman (C. Smitherman), (collectively as City Council) is the elected City Council member of the City of Birmingham for District 6. C. Smitherman is sued in her official capacity. Address for all official claims and legal actions against the City: Lee Frazier, Office of the City Clerk, City Hall-3rd Floor, 710 North 20th Street, Birmingham, Alabama 35203.

Defendant No 24: Sheila Tyson, (Known as S. Tyson), (collectively as City Council) is the immediate past elected City Council member of the City of Birmingham for District 6. S. Tyson is sued in her former official capacity. Address for all official claims and legal actions against the City: Lee Frazier, Office of the City Clerk, City Hall-3rd Floor, 710 North 20th Street, Birmingham, Alabama 35203.

Defendant No 25: Wardine Alexander (W. Alexander), (collectively as City Council) is the elected City Council member of the City of Birmingham for District 7. W. Alexander is sued in her official capacity.

Address for all official claims and legal actions against the City: Lee Frazier, Office of the City Clerk, City Hall-3rd Floor, 710 North 20th Street, Birmingham, Alabama 35203.

Defendant No 26: James “Jay” Roberson (J. Roberson), (collectively as City Council) is the immediate past elected City Council member of the City of Birmingham in District 7. J. Roberson is sued in his former official capacity. Address for all official claims and legal actions against the City: Lee Frazier, Office of the City Clerk, City Hall-3rd Floor, 710 North 20th Street, Birmingham, Alabama 35203.

Defendant No 27: Carol E. Clarke (C. Clarke), (collectively as City Council) is the elected City Council member of the City of Birmingham for District 8. C. Clarke is sued in her official capacity. Address for all official claims and legal actions against the City: Lee Frazier, Office of the City Clerk, City Hall-3rd Floor, 710 North 20th Street, Birmingham, Alabama 35203.

Defendant No 28: Steven Hoyt (S. Hoyt), (collectively as City Council) is the immediate past elected City Council member of the City of Birmingham for District 8. S. Hoyt is sued in his official capacity. Address for all official claims and legal actions against the City: Lee Frazier, Office of the City Clerk, City Hall-3rd Floor, 710 North 20th Street, Birmingham, Alabama 35203.

Defendant No 29: LaTonya Tate, (L. Tate), (collectively as City Council) is the elected City Council member of the City of Birmingham for District 6. L. Tate is sued in her official capacity. Address for all official claims and legal actions against the City: Lee Frazier, Office of the City Clerk, City Hall-3rd Floor, 710 North 20th Street, Birmingham, Alabama 35203.

Defendant No 30: John Hillard, (J. Hillard), (collectively as City Council) is the immediate past elected City Council member of the City of Birmingham for District 9. J. Hilliard is sued in his official capacity. Address for all official claims and legal actions against the City: Lee Frazier, Office of the City Clerk, City Hall-3rd Floor, 710 North 20th Street, Birmingham, Alabama 35203.

Defendant No. 31: Joshua David Carpenter, (UAB Director) (collectively as UAB Defendants) is sued in his former official capacity as former Director of External Affairs, University of Alabama at Birmingham (UAB), Office of Risk Management (1720 2nd Avenue South, JNWB 504B, Birmingham, Alabama, 35294-0500).

Defendant No 32: Joshua David Carpenter is sued in his former official capacity as former Director, Innovation and Economic Opportunity Department at the City of Birmingham, (CITY Director) (collectively as CITY Defendants). Address for all official claims and legal actions against the City: Lee Frazier, Office of the City Clerk, City Hall-3rd Floor, 710 North 20th Street, Birmingham, Alabama 35203.

Defendant No 33: Joshua David Carpenter is sued in his official capacity as CEO of Southern Research Institute, Inc. (SRI CEO) (collectively as SRI Defendants), Registered Agent: W J Daniel, 701 20TH STREET SOUTH STE 820 BIRMINGHAM, AL 35233.

Defendant No. 34. Joshua David Carpenter (Josh Carpenter) is sued in his individual capacity at last known address [REDACTED]

Defendant No. 35: Forbes Tate Partners LLC (Forbes Tate), (collectively as Forbes Tate Defendants); Principal Address 1099 New York Avenue NW, Ste 500, Washington D.C. 20001. Registered Agent: Corporation Service Company, Inc. 641 South Lawrence Street Montgomery, AL 36104. The state of formation is Delaware.

Defendant No. 36: Wesley Ryan Welch (R. Welch) (collectively as Forbes Tate Defendants) is sued in his official capacity as Partner at Forbes Tate Partners LLC; Principal Address 1099 New York Avenue NW, Ste 500, Washington D.C. 20001. Registered Agent: Corporation Service Company, Inc. 641 South Lawrence Street Montgomery, AL 36104. The state of formation is Delaware.

Defendant No 37: Pine Street Strategies LLC (Pine Street) (collectively as Pine Street Defendants). (Note: No registration or registered agent address listed with State of Alabama Secretary of State), last known address 718 7th St NW Washington, DC 20001.

Defendant No. 38: Donald Calloway, Jr., (D. Calloway) (collectively as Pine Street Defendants) is sued in his individual capacity at last known address [REDACTED]

Defendant No 39: Donald Calloway, Jr. (Pine Street CEO), (collectively as Pine Street Defendants) is sued in his official capacity as a federal lobbyist and CEO of Pine Street Strategies LLC (No registration or registered agent address listed with State of Alabama Secretary of State), last known address 718 7th St NW Washington, DC 20001.

Defendant No. 40: Corporate Realty Development, LLC (Corporate Realty) (collectively as Corporate Realty Defendants) located at 60 14th Street South Suite 104, Birmingham, Jefferson County AL 35233.

Defendant No. 41: Robert A. Simon (R. Simon) (collectively as Corporate Realty Defendants) is sued in his official capacity as CEO & President of Corporate Realty Development, LLC located at 60 14th Street South Suite 104, Birmingham, Jefferson County AL 35233.

Defendant No. 42: ServisFirst Bank, (ServisFirst) (collectively as ServisFirst Defendants) a domestic corporation located at 850 Shades Creek Parkway Suite 200. Birmingham, Jefferson County, AL 35209; Registered Agent: Mark McVay 2500 Woodcrest Place Birmingham, AL 35209.

Defendant No. 43: Thomas A. Broughton, III, (T. Broughton) (collectively as ServisFirst Defendants), is sued in his official capacity as President and Chief Executive Officer of ServisFirst Bank; A domestic corporation located at 850 Shades Creek Parkway Suite 200. Registered Agent: Mark McVay 2500 Woodcrest Place Birmingham, Jefferson County, AL 35209.

Defendant No 44: REV Birmingham, Inc. (REV Birmingham) (Collectively as REV Birmingham Defendants) is sued as a corporate entity located at 5529 1st Ave S Ste 1, Birmingham, Jefferson County, AL 35212. Registered agent: David Fleming 505 20TH STREET NORTH, SUITE 150 BIRMINGHAM, AL 35203.

Defendant No. 45: David B. Fleming is sued in his individual capacity, (David Fleming) (Collectively as REV Birmingham Defendants) with last known address of [REDACTED]

Defendant No 46: David B. Fleming is sued in his official capacity as President and CEO of REV Birmingham, Inc. (REV CEO D. Fleming) (collectively as REV Defendants), located at 5529 1st Ave S Ste 1, Birmingham, Jefferson County, AL 35212. Registered agent: David Fleming 505 20TH STREET NORTH, SUITE 150 BIRMINGHAM, AL 35203.

Defendant No. 47. Birmingham Business Alliance Inc. (BBA) a 501(c)(6). BBA State of Alabama Entity ID Number 000-568-979, Registered agent: Myla Choy: 505 North 20th St Ste 200, Birmingham, AL 35203.

Defendant No. 48. Brian Hilson is sued in his former official capacity (B. Hilson) as CEO of the Birmingham Business Alliance Inc. (BBA) (collectively as BBA Defendants). BBA State of Alabama Entity ID Number 000-568-979, Registered agent: Myla Choy: 505 North 20th St Ste 200, Birmingham, AL 35203.

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only these types of cases can be heard in federal court: a dispute that involves a right in the United States Constitution or a federal law (as opposed to a state law or local ordinance); a dispute that involves the United States of America (or any of its agencies, officers or employees in their official capacities) as a party; and a dispute between citizens of different states with an amount in controversy that is more than \$75,000.

What is the basis for federal court jurisdiction? (check all that apply)

Constitutional or Federal Question USA Defendant Diversity of citizenship

A. If the Basis for Jurisdiction is a Constitution or Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

This action arises under the 14th Amendment of the U.S. Constitution, 42 U.S. Code 1983, 18 U.S. Code § 666, 18 U.S. Code § 1964, Fraudulent Concealment, 28 U.S.C. § 1331 and 28 U.S.C. § 1343. Venue is proper in this Court under 28 U.S.C. § 1391.

B. The Basis for Jurisdiction is Diversity of Citizenship

1. The Plaintiff

The plaintiff, Brian K. Rice, is a citizen of the State of Alabama.

2. The Defendant, Donald Calloway, Jr., is a citizen of the State of Maryland.

a. The Defendant, Pine Street Strategies, LLC., is incorporated under the laws of the District of Columbia and has its principal place of business in Washington D.C.

b. The Defendant, Donald Calloway, Jr. is a citizen of the state of Maryland and in his official capacity as CEO of Pine Street Strategies, LLC., is incorporated under the laws of the District of Columbia and has its principal place of business in Washington D.C.

c. The defendant, Forbes Tate Partners, LLC is incorporated under the laws of the State of Delaware and has its principal place of business in Washington D.C.

d. The defendant, Wesley Ryan Welch, is a citizen of the State of Virginia and in his official capacity as Partner of Forbes Tate Partners LLC, Forbes Tate was incorporated under the state of Delaware and principal address is in Washington D.C.

C. The Amount in Controversy

The amount in controversy – the amount the plaintiff claims the defendant owes or the amount that is at state – is more than \$75,000, not counting interest and costs of court, because:

Plaintiff purchased properties and economic developments plans are in excess of \$250,000 which are the subject of this lawsuit.

III. Statement of Claim

1. Plaintiff properties purchased on 7/31/18 with Jefferson County Courthouse recording date of 10/16/18 located at 600, 604, 606, 608, 610, 615, 617, and 619 19th St. Ensley Birmingham, AL which consist of parcel numbers 01 22 00 31 3 018 003.000 and 01 22 00 31 3 026 008.000 are the subject of this lawsuit.
2. Plaintiff invested unknowingly into a 10 Year U.S. Department of the Treasury and Internal Revenue Service (IRS) Tax Fraud Scheme affecting interstate commerce and public accommodations led by the University of Alabama at Birmingham (UAB) Defendants and the City of Birmingham (CITY) Defendants.
3. Birmingham, AL has a long history of racial discrimination, but this lawsuit is about the combined actions of African American elected leaders, public employees, and private persons who have joined with white citizens as expressed in 42 U.S. Code § 1981 - Equal rights under the law and together they use the full weight of Institutional and Systemic Discrimination to oppress majority African American businesses and communities through economic discrimination.

HISTORIC REDLINING COMPARISON IN BIRMINGHAM AL AND THE U.S.:

4. Immediately upon arriving Downtown Ensley Plaintiff was not thinking of modern day redlining scheme which is the basis of this lawsuit that would locked Plaintiff properties out mirroring the 10/21/21 and 7/27/2022 U.S. Attorney General Merrick Garland statements which stated:
 - a. 10/22/2021 U.S. Attorney General Merrick Garland states: “Much has changed since the federal government engaged in Depression-era redlining, but discriminatory lending practices by financial

institutions still exist. Unfortunately, redlining remains a persistent form of discrimination that harms minority communities.” “Redlining contributed to the large racial wealth gap that exists in this country. The practice made it extremely difficult for people of color to accumulate wealth through the purchase, refinancing, or repair of their homes.” “When lending institutions deny or avoid providing loans to minority communities because of the racial or ethnic demographics of the relevant neighborhoods, they contribute to these inequities. Such lending practices also violate federal law.”

- b. 7/27/22 “Last fall, I announced the Department’s Combatting Redlining Initiative and promised that we would mobilize resources to make fair access to credit a reality in underserved neighborhoods across our country.” “As demonstrated by today’s historic announcement [CFPB & US v. Trident Mortgage Company], we are increasing our coordination with federal financial regulatory agencies and state Attorneys General to combat the modern-day redlining that has unlawfully plagued communities of color.”
5. Between 1946 to 1951 the Honorable Judge Clarence H. Mullins of this same Court ruled on 2 racial zoning cases *Matthews v. City of Birmingham* and *Monk v. City of Birmingham* argued by Civil Rights Attorney Arthur Shores and then Attorney Thurgood Marshall. The Samuel Mathews case was the first reported racial bombing (With picture attached in Exhibit 1) and Mary Monk was a later bombing case all based on “zoning.” Jimmy Morgan, Bull Connor and Cooper Green were the City Commissioners in both cases that denied African American citizens property rights based on “RACE”.
6. The subject of this lawsuit in as short and concise statement as possible is how the same City of Birmingham in 1946 to 1951 replaced “RACE” with known “FRAUD” on 3/6/18 to exclude Plaintiff properties from 2018 to 2028 from federal economic incentives still based on “ZONING” but this time under the Mayor-Council Act with an African American Mayor, 12 African American City Councilors, 3 white City Councils all named as Defendants

7. The Internal Revenue Service (IRS) states the following about the Tax Cuts and Jobs Act of 2017 (Public Law No. 115-97), from their official website and fact sheet “FS-2020-13, the August 2020 — Facts about opportunity zones” the following: “The Tax Cuts and Jobs Act included changes for businesses and individuals. One of these is the creation of the Opportunity Zones tax incentive, an **economic development tool** that allows people to invest in **distressed areas**. This incentive's purpose is to **spur economic development and job creation in distressed communities** by providing tax benefits to investors.”
8. From 1933 to 1968, race was used to deprive African Americans of federally backed financing and through security maps now known as redlining maps through the Home Owners Loan Corporation (HOLC), the Federal Housing Administration, and the Veteran Administration through GI Loans.
9. In the New Deal Legislation passed by President Franklin D. Roosevelt, the Home Owners Loan Act of 1933 was passed on 6/13/1933 and the Home Owners Loan Corporation (HOLC) was created with \$2 billion (over \$47.5 billion with inflation today) to help nearly 100,000 distressed land owners refinance their homes as nearly half of all mortgages in the U.S. were in default. Congress created the national standards and HOLC created residential security maps, now known as redlining maps that were based on the predominating race.
10. The Federal Housing Administration (FHA) was created out of the National Housing Act of 1934 to provide federal backed financing to encourage improvement in housing standards and conditions, to provide a system of federal backed financing which lowered the risk for financial institutions across the country to lend more. From 1934 – 1962 the FHA and the Veterans Administration issued over \$120 billion in loans and less than 2% went to African Americans and other races. FHA and the Veterans Administration used the redlining maps that were originated by HOLC to disqualify African Americans based on race.

INITIAL FINANCIAL BARRIERS IN ENSLEY BASED ON ZONING

11. Immediately after Plaintiff arrived in Downtown Ensley, Plaintiff started looking for investors and financing to develop properties and increase the rent roll and the property value of purchased properties.
12. On 9/4/18 Plaintiff received an email written by Ed Fields, the Chief Strategist for the CITY about potential North Birmingham developers and Ensley developers. Ed only requested Josh to look at the North Birmingham property and then Ed wrote “it sits in an opportunity zone.”
13. On 9/13/18 Plaintiff sought the real estate services of Birmingham Commercial Realtor, John Tally, and Tally immediately asked is Plaintiff property in an opportunity zone? Plaintiff responded as he believed in what he thought were good faith efforts displayed by CITY Director and Mayor Woodfin regarding Downtown Ensley.
14. Plaintiff sent a response back on 9/13/18 to Tally: “One of the reasons the City of Birmingham has made downtown Ensley a focus area is because somehow it was left out of the opportunity zone by the state by a few blocks. Downtown Ensley is the largest remaining undeveloped commercial district in the city and the new administration is making an extra effort for that reason and the court order filed against the Ramsay McCormick building.”
15. Plaintiff relied on the good faith and the public trust he placed in the Mayor Woodfin administration regarding economic development in Downtown Ensley and was completely unaware that he investing in a 10 year tax fraud scheme that redlined Plaintiff properties through 2028 that was being blamed on Governor Ivey which created roadblocks to securing investors and financing.
16. On 9/20/18, Plaintiff was introduced to Birmingham area commercial realtor John Tally and Plaintiff asked for investor referrals, and Tally responded with the following statement: “I talked to my prospect, and he is only interested in properties inside the opportunity zone so this probably won’t work for them.”
17. As a result of concealed opportunity zone fraud at this time, Plaintiff was faced with investor denials and financial barriers while trying to develop or sell properties, and it has continued through 1/19/24.

18. On 10/24/18 Plaintiff received an email from Levine & Associates that stated the company was only looking to invest in an opportunity zone again.
19. Plaintiff continued seeking funding or buyers and would be met with the similar responses each time all related to federal opportunity zones.
20. On 7/26/2020 plaintiff received an email from an out of state investor, J. James who made the following statement and asked the following question immediately: “Brian, we’re developing an Opportunity Zone fund and Birmingham is one of the cities. I read your BBC story. The focus of the fund is on building emerging tech ecosystems in distressed communities. Is Ensley in an Opportunity Zone?”.
21. This type of investment would have been perfect for Downtown Ensley and Plaintiff properties but Plaintiff was denied because of unknown fraud at the time.
22. 8/26/2020 Plaintiff received an email from Stephen McNair, Ph. D., McNair Historic Preservation, Inc. one of the most recognized historic preservation leaders in State of Alabama who stated: “Brian, This is all great news and the BBC article is especially interesting. Have you had any conversations with Opportunity Alabama about using Opportunity Funds to help renovate any of the historic buildings?”
23. On 12/21/2020 Plaintiff received an email from Alex Flachsbart, Executive Director of Opportunity Alabama, Inc. who created the State of Alabama’s most recognized FOZ organization and responsible for creating CITY’s FOZ Prospectus in partnership with Melanie Genkin at the CITY who worked under CITY Director J. Carpenter, Josh Carpenter emailed the Plaintiff on 12/21/20: “Glad to get connected - have read the BBC coverage and think we share a lot of common alignment around what it’ll take to actually facilitate a sustainable, broad-based ecosystem for funding investment in underserved places. I hate that downtown Ensley was left out just as much as you do... still scratching my head two years later on that one.” “To your question below - of the Jeffco portion of the statewide deals, we’ve seen deals get done so far in Woodlawn, Avondale, Lakeview, Pepper Place (adjacent), downtown (both north and south of the tracks) and Smithfield. I haven’t seen anything get done in Ensley”.

24. Plaintiff is losing substantial time while deferred maintenance is increasing and commercial realtors and investors kept referring Plaintiff to opportunity zone investors who all turned the other way when they found out Downtown Ensley was excluded.
25. As a result Plaintiff emotional distress is growing while facing economic loss from not being able to develop commercial properties the investors that
26. Over time, Plaintiff start searching for what really happened to federal opportunity zones and why is Downtown Ensley being faced continued public disinvestment.
27. On 10/13/19, CITY Director J. Carpenter, Mayor Woodfin, and City Council Defendant J. Hilliard visited Plaintiff and during this meeting Mayor Woodfin stated the City made sure Ensley High School was in an opportunity zone so it could be redeveloped. Plaintiff was surprised by the Statement as Plaintiff had always been told that Downtown Ensley was left out over a clerical error from Josh Carpenter and how Governor Ivey left Ensley out from Mayor Woodfin.
28. Plaintiff left the 10/13/19 meeting wondering so much about the intentions of CITY leaders for Downtown Ensley. Plaintiff started searching daily for the next few years seeking connections to Downtown Ensley and Mayor Woodfin, CITY Director J. Carpenter.
29. In preparation for Plaintiff 8/13/21 formal complaint filed with the U.S. Department of the Treasury Inspector General, Plaintiff finally was aware of the fraud to exclude Ensley.
30. Plaintiff waited on response from the U.S. Department of the Treasury Inspector General and through 1/19/24 the only response is a confirmation email of receipt.

AL ETHICS COMMISSION, RANDALL WOODFIN, JOSH CARPENTER

31. Plaintiff found no help with the federal agency responsible for overseeing federal opportunity zones, so Plaintiff filed a 246 page formal complaint with the Alabama Ethics Commission on 2/22/22 and

continued with correspondence through 7/1/22 full of official records of published content and how the content was inconsistent with the 3/6/18 CITY Federal Opportunity Zone (FOZ) false report.

32. Plaintiff showed on 2/22/22 on page 24, 30, 36 – 112, 124, 210 and 213 how \$10 million of CITY funds for Birmingham Promise, Inc. was planned out by Mayor Woodfin, CITY Director J. Carpenter, Rachel Harmon (unnamed co-conspirator) all clothed under the color of law in their official CITY capacities on 7/16/19 and 10/15/19 and then how Rachel Harmon resign and immediately become the 501(c)3 executive director of Birmingham Promise as announced on 4/29/20. Plaintiff showed how her actions breached ethics law 36-25-13 and 36-25-5 for former employee and how both Carpenter and Mayor Woodfin looked the other way.
33. Plaintiff showed on 2/22/22 a pattern of fraudulent acts involving the Josh Carpenter and/or Mayor Woodfin each time both their individual and official capacities.
34. Plaintiff showed the next pattern of official misconduct when Birmingham Promise began to promote Randall Woodfin in the 2021 mayoral campaign which is a violation of 26 U.S. Code § 501(c)3 promoted. Plaintiff showed the dates with screenshots connecting to “The Committee to Elect Randall Woodfin” on 2/13/21, 5/24/21, 5/25/21, and 8/6/21 where funds were paid out of city funds which violated AL Code § 17-17-5 for Improper Use of State Property, Time, etc., for Political Activities. (Please see attached Exhibit 1 for reference)
35. Plaintiff showed on 2/22/22 on page 24, 30, 39, 44, 46, 48, 57, 91, 92, 94, and 100 how \$8 million of federal funds secured from private donations were funneled through Prosper Birmingham, Inc., a BBA Foundation entity that also co-created by CITY Director J. Carpenter, Rachel Harmon, and Mayor Woodfin. Plaintiff showed how funds were transferred to Birmingham Promise to be used during 2021 mayoral campaign where Birmingham Promise was actively promoting “The Committee to Elect Randall Woodfin” with city funds and now federal funds, that created a \$18 million kickback for local commercials, flyers and social media for Mayor Woodfin. (Please see attached Exhibit 1 for reference)

36. Plaintiff showed on 2/22/22 page 19, 31, 116, 121-126, 131, 133, 138-142, 148, and 182 how CITY Director J. Carpenter changed and uploaded new CITY economic plans to benefit UAB Defendants and SRI Defendants by changing the language in the 10/12/20 City 2018 – 2021 Economic Strategic Plan document for the CITY to (1) leverage opportunity zones, (2) encourage development within opportunity zones, (3) invest in precision population health and (4) to develop sites for biotech development with proximity to the medical district (UAB) and then less than 8 months later Josh Carpenter become the CEO / President of the most recognized biotech company in Birmingham benefitting from opportunity zone developments immediately adjacent to SRI. Less than 12 months, Josh Carpenter presented before the City Design Review committee as a former director and secured approval based on altered changes less than 12 months earlier in his former CITY capacities. (Please see attached Exhibit 1 for reference)
37. Plaintiff showed on 2/22/22 omitted city assets and omitted brownfield sites on page 187, 188, and 189 cross referenced from the City of Birmingham Ramsay McCormack 2/25/19 RFP and from properties Plaintiff pass by almost daily. Plaintiff showed government document prepared by the Regional Planning Commission of Greater Birmingham that caused the removal of Downtown Ensley. (Please see attached Exhibit 1 for Reference)
38. Plaintiff showed how CITY Director updated city plans to benefit his other concurrent employer UAB on page 19, 31, 116, 121-144
39. Plaintiff showed how CITY Director updated city plans on page 19, 31, 116, 121-144 to benefit both UAB and SRI where CITY Director had substantial economic interest as an employee in the office of the president of UAB and the future president of SRI and UAB commercial arm used for biotech research and development. on page 145 - 182, to benefit his future \$84 million inside deal as the future CEO of SRI less than 12 months after resigning from CITY November 2020.

40. Plaintiff showed how CITY Director Federal Opportunity Zone 3/6/18 false report matched CITY Director J. Carpenter updated city plans on page 145-182 and how federal opportunity zones befitting both UAB and SRI.
41. Plaintiff showed how SRI CEO J. Carpenter inserted biotech plans and precision population plans were embedded in CITY economic development plans from 2018 - 2021 directly managed by CITY Director. Plaintiff sent over CITY official minutes, CITY audio files and published articles files confirming the official misconduct.
42. Plaintiff then described how Josh Carpenter violated the procedures of AL Code 36-25-13 in UAB and CITY official capacities which were designed to protect the public interest from acts of bad faith by public servants. Plaintiff showed how CITY Director J. Carpenter was allowed to present at the CITY Design Review committee on page 31, 116 - 182 and receive approval based on the plans he wrote before resigning less than 12 months earlier.
43. Plaintiff sent over additional official documents on 3/19/22 upon request from Ethics Counsel B. Paterson to show more of UAB involvement with Birmingham Promise \$10 million dollars, SRI biotech plans, UAB Off Campus Student Housing benefitting from the 3/6/18 false report involvement and ETHICS Counsel B. Paterson turned a blind eye again.
44. CITY Director J. Carpenter was permitted by Ethics Counsel B. Paterson to operate without the procedures of CITY ordinances, STATE law or Federal law and as a result Plaintiff is still facing ongoing injury from concealed fraud and acts of bad faith committed by Josh Carpenter.
45. Plaintiff showed how SRI where he would become the President less than 7 months after resigning from City Hall.
46. As a result, Plaintiff properties have been excluded from federal incentives for 10 years while CITY Director J. Carpenter has directed the CITY to leverage opportunity zones and encourage development within opportunity zones that were intentionally removed from Plaintiff properties for 10 years.

47. Plaintiff also shared Plaintiff 8/13/21 formal complaint filed with the Department of Justice Inspector General for the Department of the Treasury which reconfirmed the omitted brownfield sites and city assets on page 24 -32 and supported with local articles throughout the complaint but the Ethics Counsel B. Paterson said he had no evidence on the face and turned a blind eye to known fraud that injured the Plaintiff that benefited Josh Carpenter in his UAB capacity and in his future capacity as SRI CEO.
48. Ethics Counsel B. Paterson permitted known ethics violations and known federal violations by turning a blind eye on 6/22/22 and 7/1/22 and allowing the City of Birmingham to be led by known fraudulent acts and acts of bad faith.
49. As a result procedures based on AL ethics laws designed to protect the public from the dangers of public corruption were ignored.
50. As a result Plaintiff has to be faced with unequal protection of the law as inside deals were placed higher than rule of law.
51. A result permitted fraud has breached Plaintiff right to due process of the law and equal protection of the law
52. As a result federal opportunity zone fraud remain uncorrected and Plaintiff property rights have been faced with a regulatory taking permitted by Ethics Counsel B. Paterson
53. As a Result Plaintiff is still faced with the removal of federal incentive zoning incentives which causes obstruction to commerce and the development of Plaintiff properties.
54. As a result Plaintiff is faced with diminution in property value.
55. Plaintiff have sustained prolonged substantial interference to Plaintiff properties .

CITY COUNCIL DEFENDANTS, FORBES TATE PARTNERS DEFENDANTS, PINE STREET STRATEGIES DEFENDANTS, MAYOR WOODFIN

56. On 8/5/18, Route Fifty article titled 'Figuring Out If 'Opportunity Zones' Can Revitalize Struggling Neighborhoods' where City Council Defendant J.Hilliard, CITY Director, ADECA Defendant M. Presley were all quoted regarding Downtown Ensley being excluded.

- a. J. Hilliard stated: "I just don't know how we got left out" he said. The explanation the councilman has heard from the mayor's office was that the neighborhood was excluded due to an error.
- b. "Carpenter, in an email this week, blamed a "clerical error" for the commercial tract getting left out."
- c. M Presley said ADECA went back and reviewed the document and could not find any errors.
- d. J. Hilliard and M. Presley both failed to meaningfully investigate the actions of CITY Director regarding the federal economic development incentive affecting the public interest.
- e. M. Presley has permitted the use of a known inconsistent statement regarding Plaintiff properties to remain affecting the commerce of Plaintiff properties.

57. On 4/1/19 Forbes Tate Partners, LLC and Wesley Ryan Welch who were in contract with Pine Street, Pine Street CEO, and D. Calloway as federal lobbyist representing the City of Birmingham presented at CITY Government Affairs committee. Federal contract with the White House show Forbes Tate as the principal and Pine Street as the subcontractor. Plaintiff have not been able to locate any mandated lobbyist registration with the state of Alabama for Pine Street.

58. As a result, Plaintiff properties were directly affected by the fraudulent concealment tactic to blame Governor Ivey by an unregistered federal lobbyist as shown below.

59. On 4/1/19 Pine Street CEO and Mayor Woodfin blamed Governor Ivey for the denial of Downtown Ensley and R. Welch remained silent and Plaintiff was deceived into thinking Downtown Ensley exclusion was done lawfully with City Councilors J. Hilliard, D. O'Quinn, V. Abbott, and C. Woods also in attendance.

60. Through 1/19/24 no overt actions have been taken to correct the false blame on Governor Ivey by any City Councilors, federal lobbyists, or the Mayor Woodfin.
61. On 4/23/19 City Council Defendant J. Hillard sent Plaintiff the City of Birmingham official surplus property list that was originally dated 2/22/19 sent from Mayor Woodfin official email to CITY Counsel Defendants W. Parker, W. Alexander, V. Abbott, S. Hoyt, J. Hilliard, H. Williams, D. O'Quinn, C. Smitherman, and C. Woods. Cheryl Kidd, Jeffrey McDaniel, Cedric Sparks, Kevin Moore, Earl Hilliard, Jr and Kelvin Datcher were all carbon copied in the email. (Please see attached Exhibit 1 for reference)
62. The CITY Surplus Property excel list received on 4/23/19 shows 9 city assets in Downtown Ensley alone and 10 city assets in Ensley making it a total of 19 assets in 35218 zip code, but the 3/6/18 false report show ZERO city assets for Downtown Ensley.
63. NINE city assets Downtown Ensley alone is the difference in 19 points as calculated by CITY Director and the 35218 zip code going from being ranked 10 to being ranked number 4 and superseding 6 similarly situated areas that were recommended and chosen based on known omissions and statistical sampling devaluation for Downtown Ensley.
64. A total of 19 city assets is the difference of 57 points in the 35218 zip code going from being ranked number 10 to being ranked NUMBER TWO for economic development needs for the entire City of Birmingham at a new score of 69 and superseding 8 similarly situated zip codes and their census tracts that were recommended over Downtown Ensley intentional devaluation.
65. The 35208 zip code affecting 5 Points West, Central Park, Bush Hills, Ensley Highlands, and Fairview had ZERO city assets versus 14 shown on the city surplus property list. Half of 5 Points West commercial district was excluded due to willful omissions.
66. The 35224 Zip Code affecting Wylam had a submitted amount of ZERO versus the 10 shown on the city surplus property list and was excluded from federal incentives for 10 years.

67. The 35214 zip code affecting Pratt City had a submitted amount of 2 city assets but the CITY surplus property list show 14 a difference of 36 points and being ranked in the top 4 but yet was excluded to known omissions.
68. All of the surrounding neighborhoods directly affect Downtown Ensley properties and vice versa but when they are all excluded, the west side of Birmingham is faced with intentional economic oppression based on large areas affecting nearly 1/3 of the African American population of the city who make up over 90% of the population per census records.
69. Downtown Ensley is the largest underdeveloped historic commercial district in the City of Birmingham that is covered with brownfield sites that meet the STATE definition for brownfield properties based on brownfield legislation that was approved by the STATE under Chapter 335-15 called the Brownfield Redevelopment and Voluntary Cleanup Program effective 9/19/2006 and revised 6/13/2022 where both state “ "Brownfield" means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or perceived presence of a hazardous substance, pollutant or contaminant.”
70. Downtown Ensley has over 100 properties that meet this definition but yet only 1 is used and all the known brownfield sites where CITY has data that show underground storage tanks, buildings build with asbestos and broad areas of land contamination caused by the former U.S. Steel Ensley Works are all omitted in the 3/6/18 false report.
71. The City Council, Committee of the Whole meeting on 12/19/23 covered the STATE brownfield program and Ensley was the focus as the best example in the City of Birmingham.
72. To add the accurate amount for Downtown Ensley, the business district 2 census tracts would be ranked number one but instead are excluded through a known 3/6/18 false report.
73. Mayor Woodfin ratified the 3/6/18 false report with 100% omission of Ensley and Downtown Ensley City Assets in 35218 and then sent the report by mail or wire to Governor Ivey through ADECA Defendants.

74. As a result ADECA Representatives and Governor Ivey made selections influenced by concealed fraud and Governor Ivey sent recommendations to the White House for the City of Birmingham on 3/20/18 based on fraud.
75. As a result UAB off Campus Student Housing become the largest benefitting factor with over \$600 million in developments all benefitting from federal opportunity zone legislation as UAB Director of External Affairs J. Carpenter who worked in the Office of the President of UAB prepared the report and then submitted the report when he became the CITY Economic Development Director.
76. Josh Carpenter has taken no overt actions to correct the known fraud through 1/19/24 while being a direct benefactor as SRI CEO.
77. Still as of 4/23/19, no public hearing has taken place involving the legislative branch in a democracy where the City Council had the privilege of looking at the 3/6/18 false report and discussing the report.
78. The City Council even after learning of concerns about Downtown Ensley failed to meaningfully investigate and has chosen silence to the rights of property owners in Downtown Ensley, Pratt City, Wylam, and 5 Points West through 1/19/24.
79. The City Council has taken no action to address their known exclusion as the legislative branch elected by the citizens of Birmingham and as a result their inaction has caused the Plaintiff properties to be excluded through 2028.
80. As a result the City Council have turned a blind eye to known federal programs being taken from some of the most distressed areas in Birmingham through the 3/6/18 false report.
81. As a result the City Council have taken no action to address the Mayor Council Act the governing procedure that is actively causing injury to the Plaintiff where the document allow the Mayor Woodfin to operate as both the executive officer and legislative branch for the CITY simultaneously which violates Section 93 of the Alabama 1901 Constitution.

82. As a result of turning a blind eye to known fraud and inside dealing of CITY Director J. Carpenter affecting \$600 million in real estate developments for the benefit of Josh Carpenter, UAB, and SRI and the 27 other entities and their executives linked to the 3/6/18 false report is the local governing body allowing Article IV Section 4 of the U.S. Constitution to be ran like a despotic government.
83. As a result, Plaintiff has been locked out of federal incentives to designed to spur economic development in distressed areas through Federal Opportunity Zones.

UAB, SRI, REV BIRMINGHAM, CORPORATE REALTY, SERVISFIRST, AND BBA
DEFENDANTS

84. When Plaintiff started performing due diligence to figure out why he faced so many economic obstacles, Plaintiff made a list of known actions linking others who had letters attached to 3/6/18 false report and UAB and SRI was front and center again.
85. Josh Carpenter led the fraudulent activities as Josh used his public positions as UAB Director of External Affairs and CITY position as the Economic Development Director as the access points to prepare and conceal the 3/6/18 false report for the benefit of UAB, SRI, and the Co-Conspirators who sent in letters of supports between 2/23/18 to 2/27/18 that were attached.
86. Josh Carpenter then submitted the false report to Mayor Woodfin and Randall Woodfin used his position as the Mayor to ratify the known fraud and willful omission of city assets and brownfield sites in Downtown Ensley.
87. Randall Woodfin and Josh Carpenter operating beyond their authority sent the known fraudulent letter by mail or wire to the STATE with known fraud steering federal resources away from distressed majority African American commercial districts and neighborhoods.
88. As a result, ADECA Representatives and Governor Ivey made selections influenced by concealed fraud and sent recommendations to the White House for the City of Birmingham on 3/20/18 based on fraud.

89. Corporate Realty Defendants, ServisFirst Defendants, BBA Defendants, and REV Birmingham Defendants sent letters of support that were attached to the 3/6/18 false report shown on page 15, 41, 43, and 57.
90. REV Birmingham Defendants was the CITY contracted project manager and consultant for Downtown Ensley and was paid \$181,250 and \$338,000 in 2018 to help with economic development in Downtown Ensley while simultaneously taking part of a fraudulently concealed 10 year tax fraud scheme that causes suppression of economic development in Downtown Ensley through 2028 through Federal Opportunity.
91. The Plaintiff was deprived of honest services from the CITY and REV Birmingham Defendants 3/6/18 through 1/19/24.
92. Plaintiff was on conference calls with REV Birmingham Defendants and Josh Carpenter discussing how Governor Ivey denied Downtown Ensley on 3/1/19 for the Ramsay McCormack development and the 3/6/18 false report was concealed and never discussed showing REV Birmingham involvement.
93. REV Birmingham Defendants was and is a current beneficiary of the Market Lofts on Third a \$33 million federal opportunity zone development who joined the conspiracy on or before 3/6/18 and continue to remain a part of the conspiracy as REV Birmingham Defendants have taken no action to remove itself from unjust enrichment of the conspiracy.
94. ServisFrist Defendants are announced as the financial providers of (1) The Marshall a \$55 million federal opportunity zone development that is promoted as UAB Off Campus Student Housing
95. ServisFrist Defendants are announced as the financial providers of (2) Tower on the 10th, a \$40 million federal opportunity zone development immediately adjacent to SRI where Josh Carpenter is now the President that is also promoted as UAB Off Campus Student Housing.
96. ServisFirst Defendants are benefitting from the fraudulent 3/6/18 false report where their letter was attached.

97. ServisFirst Defendants have taken no action to remove themselves from the unjust enrichment and the conspiracy through 1/19/24.
98. Corporate Realty Defendants was and is a current beneficiary of the 3/6/18 false as the ServisFirst Bank Co-Conspirator development is immediately behind SRI and the Corporate Realty \$300 million plus Southtown Projects redevelopment known as Edgehill is immediately adjacent to SRI on the east side that is also benefitting from being in a federal opportunity zone caused by the 3/6/18 false report.
99. Corporate Realty employee, Carol Clarke is also a part of the City Council and is aware of the fraud excluded the census tract she lives in as a district councilor which includes 5 Points West Commercial District.
100. Carol Clarke has taken no action to correct the wrongs to the distressed African American areas that were excluded.
101. Corporate Realty has taken no action to remove themselves from the ongoing conspiracy where Corporate Realty Defendants benefits.
102. BBA (BBA) Defendants lead the largest economic development agency for the region and have accurate market data of the omissions for Downtown Ensley.
103. Plaintiff met with Leondras Waymond Jackson, the former VP of Education and Workforce Development for the BBA, in May 2021 and Plaintiff asked Waymond what happened to Downtown Ensley being left out. Waymond responded and said he was there when the CITY was discussing Ensley in the preparation of federal opportunity zones. Almost immediately, Waymond stopped his conversation and said, if this ever comes up in court, I will plead the 5th. Even a former friend to the Plaintiff was aware and turned a blind eye to known economic oppression in Downtown Ensley.
104. BBA have taken no action to separate from the conspiracy as Corporate Realty Defendants, UAB Defendants, CITY Defendants, REV Birmingham Defendants are all a part of the BBA and several have been identified as benefitting from the known fraud in their private capacities.

105. B. Paterson turned a blind eye to numerous procedural violations of AL ethics laws involving Josh Carpenter and Randall Woodfin who committed numerous acts of bad faith that the Plaintiff sent between 2/22/22 and 7/1/22 affecting \$10 million in city funds, \$8 million in private funds, \$84 million SRI development, \$600 million in off campus Student Housing developments that benefit UAB.

106. As a result of each private person and private entity benefiting from the 3/6/18 false report, Plaintiff has been directly affected by the known unjust enrichment to be allowed to remain.

107. As a result, Plaintiff has lost the ability to develop commercial properties in a fair market based on concealed fraud through 1/19/24.

PLAINTIFF INJURIES / ACTUAL DAMAGES / FORESEEABLE DAMAGES

108. Plaintiff was injured by multiple violations under the color of law performed in the official capacity and individual capacities of named Defendants as defined within this civil action.

109. Plaintiff property interest was intentionally injured causing obstruction of commerce through governmental interference.

110. Plaintiff property interest was intentionally injured through alleged fraudulent acts and as a result Plaintiff has been faced with diminished appraisal values and loss of business profits.

111. Interference to Plaintiff property rights has caused a hindrance to development of approximately 33,000 sf of commercial real estate.

112. Plaintiff lost the ability to develop property and reach the non-redlined market average value in Birmingham, AL for fully renovated historic commercial property selling north of \$170 per sf to \$250 per sf.

113. Plaintiff lost access to foreseeable value of a fully developed property which would be \$5,610,000 to \$8,250,000 for actual damages in 1 area of property development.

114. Plaintiff loss ability to receive fair market rent for completed buildings in a non redlined market where the average in the Birmingham market is \$12 - \$18sf for rent. At \$12 - \$18sf for rent, monthly rent loss for fully developed property is \$33,000 to \$49,500 per month x 48 plus months. Actual damages \$1,584,000 to \$2,376,000 under triple net leases.
115. Plaintiff lost ability to the use of equity or the sale of fully developed property to purchase additional properties.
116. Plaintiff lost the ability to close on 2200 Ave C Birmingham, AL 35218 which is approximately 45,000sf of real estate. 45,000sf at \$170 sf to \$250sf when fully developed and sold in a non redlined Birmingham market would be valued in the range of \$170sf to \$250 sf reaching another loss of actual damages at \$7,650,000 to \$11,250,000.
117. Plaintiff lost the ability to receive the fair market rent for 45,000sf of completed buildings in a non redlined market where the average in the Birmingham market is \$12 - \$18sf for rent At \$12 - \$18sf for rent, monthly rent loss for fully developed property is \$45,000 to \$67,500 per month x 48 plus months. Actual damages \$2,160,000 to \$3,240,000 under triple net leases.
118. Plaintiff lost the ability to incentivize or partner with investors using 100% capital gain write offs to invest in excluded federal opportunity zone properties.
119. Plaintiff lost the ability to sell property to investors incentivized to buy property in federal opportunity zones census tracts.
120. Plaintiff lost the ability to repair and maintain builders in intentionally harmed economic market.
121. Plaintiff lost significant time performing due diligence to uncover well concealed unlawful actions that caused injury to the Plaintiff. The fraud was so well prepared and protected by local and STATE entities that due diligence was extremely time consuming and as of 6/22/22 Ethics Counsel B. Paterson stated official they don't see evidence on the face.

122. Plaintiff lost considerable time in his “Life” performing due diligence that would not have been necessary if acts by Defendants were lawful. Plaintiff cannot get the years back or the sleepless nights back from 4+ years of loss time caused by intentional injuries by Defendants as alleged.
123. Plaintiff is a Mechanical Engineer and average salary is over \$100,000 a year. Hourly loss of time, sleepless nights, constant anxiety associated with losing property rights, not being able to develop property, not being able to repair property under equal protection of the law and due process of the law. Associated actual damages seeking justice in intentionally rigged environment is \$228hr x 14 hours x 1348 days is \$4,302,816 and counting.
124. As a result of intentional injuries, Plaintiffs is entitled to actual damages and treble damages which all together are estimated to exceed \$21 million in actual damages based on actual calculations and over \$63 million in treble damages where a statute permits treble damages and more for punitive damages where the court see fit for private corporations and or individuals.
125. As a result Plaintiff is entitled to attorneys’ fees and costs where attorneys have chosen to represent the Plaintiff.

IV. Causes of Action

COUNT ONE THROUGH THREE 42 U.S. CODE § 1983 - CIVIL ACTION FOR DEPRIVATION OF RIGHTS

126. Plaintiff incorporates and reallege paragraphs 1 - 125 by reference as though fully set forth herein.
127. This count is an action brought pursuant to the CITY, City Council, Mayor Woodfin, UAB Director and CITY Director J. Carpenter.

128. From 7/31/18 through 1/19/24, Plaintiff has owned properties located at 600, 604, 606, 608, 610, 615, 617, and 619 19th St. Ensley Birmingham, Jefferson County, AL which consist of parcel numbers 01 22 00 31 3 018 003.000 and 01 22 00 31 3 026 008.000.
129. Plaintiff invested unknowingly into an active 10 year IRS fraudulent scheme led by the CITY, CITY Mayor Woodfin and Josh Carpenter working under the color of law in 2 public official capacities as (1) UAB Director and (2) CITY Director J. Carpenter.
130. On 3/6/18, the CITY, Mayor Woodfin, UAB Director and CITY Director J. Carpenter sent the CITY Federal Opportunity Zone letter with 100% omissions of 19 known city assets in Downtown Ensley and Ensley.
131. As a result the 19 omissions alone caused Plaintiff properties and Plaintiff neighbors located in the Downtown Ensley business district to be excluded from federal economic development incentives from 2018 to 2028 designed by Congress, signed off on by President Donald Trump, and approved on 4/19/18 and managed by the Department of the Treasury and Internal Revenue Service (IRS).
132. The Internal Revenue Service (IRS) state from their official website and fact sheet “FS-2020-13, August 2020 — Facts about opportunity zones” the following: “The Tax Cuts and Jobs Act included changes for businesses and individuals. One of these is the creation of the Opportunity Zones tax incentive, an economic development tool that allows people to invest in distressed areas. This incentive's purpose is to spur economic development and job creation in distressed communities by providing tax benefits to investors.”
133. As a result of the fraudulent 3/6/18 CITY FOZ false report, Plaintiff lost the “economic development tool that allows people to invest in distressed areas” which “purpose is to spur economic development and job creation in distressed communities by providing tax benefits to investors” as stated by the IRS.
134. Plaintiff properties at all times have been faced with known economic hardships created and concealed by the Defendants named in this count.

135. The 3/6/18 CITY FOZ false report was at all times managed by CITY Director J. Carpenter.
136. The initial letters in the complaint were from 2/23/18 to 2/27/18 while UAB Director was still working full time in the office of the President of UAB President.
137. UAB President failed to supervise UAB Director J. Carpenter while working in the office of the President or in the alternative permitted fraudulent acts willfully.
138. UAB Director first official day at the CITY was 3/5/18 and one day later fraud prepared by UAB Director became the basis of federal opportunity zones which removed Plaintiff properties from 2018 to 2028 for the benefit of more UAB off campus student housing which will be described more below.
139. On CITY Director J. Carpenter second day in office as CITY Director, Mayor Woodfin ratified the 3/6/18 CITY FOZ false report and then sent the letter by mail or wire to influence ADECA representatives and Governor Ivey. CITY Director was Cc'd and was listed as the main point of contact.
140. The Plaintiff have not been able to locate any known public hearing through 1/19/24 involving the legislative branch of the CITY as the process was secretly done without the elected legislative body of the CITY when planning out zoning around federal opportunity zones across the CITY.
141. Mayor Woodfin, a former CITY attorney knew the details of the Downtown Ensley business district and the false misrepresentations used by CITY Director J. Carpenter as Randall Woodfin campaigned in Downtown Ensley expressing his disapproval of how Mayor William Bell mishandled the 401 19th St Ensley CITY owned assets and how the CITY then mishandled the Ramsay McCormack CITY owned asset at 508 19th St Ensley in a campaign video while walking with Geno Reasor who is now a city employee.
142. On 4/23/19 J. Hilliard, the Ensley City Councilor for Downtown Ensley sent Plaintiff the CITY Surplus Property list that Mayor Woodfin on 2/22/19 sent to CITY Counsel Defendants W. Parker, W. Alexander, V. Abbott, S. Hoyt, J. Hilliard, H. Williams, D. O'Quinn, C. Smitherman, and C. Woods.

Cheryl Kidd, Jeffrey McDaniel, Cedric Sparks, Kevin Moore, Earl Hilliard, Jr and Kelvin Datcher were also Cc'd in 2/22/19 email.

143. The CITY Surplus list show 19 CITY surplus properties in Downtown Ensley and Ensley neighborhoods that make up the 35218 zip code but the 3/6/18 report show ZERO which lowered the priority rankings for statistical sampling where Ensley was ranked 10 but with the inclusion of actual city assets Ensley would have been ranked number TWO. And would have superseded 8 other similarly zip codes where census tracts were selected over Downtown Ensley.
144. All CITY assets were omitted from the 3/6/18 CITY FOZ false report that Mayor Woodfin ratified and then caused the letter to be sent by mail or wire to STATE Defendants, where STATE Defendants selected tracts based off of the false report.
145. As a result Plaintiff business district was devalued through gross negligence and locked out of federal opportunity zones for 10 years.
146. CITY Defendants and City Council would also know of the Regional Planning Commission of Greater Birmingham brownfield inventory of Wylam, Pratt City, and Downtown Ensley that was passed out to Ensley owners in 2017 which showed 11 brownfield sites for Downtown Ensley and several more in Wylam and Pratt City that were all omitted from the 3/6/18 CITY FOZ false report as well
147. City surplus properties alone cause Plaintiff properties to be included versus excluded for 10 years as Downtown Ensley area would have been ranked number TWO versus being excluded at a ranking of 10 in a statistical sampling scoring system all managed by CITY Director.
148. Brownfield properties would have increased Ensley score to number one versus being excluded for 10 years.
149. CITY Director J. Carpenter made numerous misrepresentations to deceive the public and the Plaintiff from relevant time period of 12/22/17 through 1/19/24 which caused concealment.

150. CITY Director J. Carpenter made false representations in the 8/5/18 Route Fifty Article that were inconsistent with ADECA Defendant M. Presley in the same article who said he did not find any errors about Downtown Ensley being left out over a clerical error. ADECA Director directly responsible for supervising federal opportunity zone submissions either failed to meaningfully investigate or in the alternative willfully permitted the fraud to be basis for the City of Birmingham that overwhelmingly benefitting private developers for the benefit of UAB off campus student housing that prepared by UAB Director J. Carpenter and managed by CITY Director J. Carpenter.
151. CITY Director J. Carpenter repeated his false misrepresentations on 3/1/19 on the Ensley Ramsay McCormack conference call that Plaintiff was on with REV Birmingham Defendants but this time this CITY Director J. Carpenter placed the blame on Governor Ivey for not including Downtown Ensley which made the statement inconsistent with the 8/5/18 clerical error statement.
152. From relevant time period of 3/5/19 to 1/19/24 all fraudulent misrepresentations originally uploaded on the CITY official website on the Ensley Redevelopment page under the supervision of Josh Carpenter are still shown where:
- a) false misrepresentations of the 3/1/19 conference call are still available for the public to be deceived through 2024 with no corrections.
 - b) the 2/25/19 Ramsay McCormack RFP with CITY Director J. Carpenter as the primary contact is uploaded that show at least 4 omitted city assets that were not included in the 3/6/18 CITY FOZ false report which caused Downtown Ensley to be excluded.
 - c) The 3/23/18 Ensley OZ Amendment Request is shown that was submitted after Governor Ivey 3/21/18 deadline for changes. The 3/23/18 never mentioned the “clerical error” or gross negligence in the 3/6/18 CITY FOZ false report that excluded Plaintiff properties and the 4 nearest majority African American commercial districts.

153. STATE procedures mandate the Governmental Agency Head to report known violations and errors within 10 days and there is no known evidence of Mayor Woodfin or any City Council president reporting known violations to the STATE per AL Code 36-25-17.
154. Mayor Woodfin turned a blind eye to this procedural requirement and Plaintiff federal rights and U.S. Constitutional rights were taken violated the new federal opportunity zone program.
155. Forbes Tate Partners, LLC and Wesley Ryan Welch contracted with Pine Street, Pine Street CEO, and D. Calloway to represent the City of Birmingham as federal lobbyist and on 4/1/19 all were in attendance speaking at the CITY Government Affairs committee on the exclusion of Ensley from federal opportunity zones.
156. Pine Street CEO and Mayor Woodfin blamed Governor Ivey for the denial and Mr. Welch remained silent and Plaintiff was deceived into thinking it was done lawfully with City Councilors J. Hilliard, D. O'Quinn, V. Abbott, and C. Woods also in attendance. J. Hilliard even asked why would the Governor know to deny Ensley of all areas in the CITY. Mayor Woodfin then repeated the Governor denied Ensley and you should ask her.
157. Plaintiff relied on false statements and was unaware that Plaintiff invested in an intentionally injured business district where Mayor Woodfin stated that Ensley was included in the original 3/6/18 letter and the Governor denied Ensley when speaking to J. Hilliard at the 4/1/19 City Government Affairs Committee meeting.
158. On 10/13/19, CITY Director J. Carpenter, Mayor Woodfin, J. Hilliard visited Plaintiff and during this meeting Mayor Woodfin stated the City made sure Ensley High School was in an opportunity zone so it could be redeveloped. This statement is inconsistent again with the 3/23/18 letter submitted to Governor Ivey requesting a swap after a known deadline for Downtown Ensley that was "not recommended."

159. On 7/28/2020 at the City Council Economic Committee meeting in response to CITY Director J. Carpenter presenting, D. O'Quinn stated: "I think the geography is really important," "There's been a lot of conversation around the federal Opportunity Zones – tax shelter basically – and there are places that we visit daily where you would not think would need any incentive for investment but yet they're included in the Opportunity Zone." "I will be paying attention to the geography to make sure this is directed to the area most needed. Historically there have been parts of the City of Birmingham that haven't gotten the same level of investment and we want to make sure we don't go down that same path again." D. Oquinn made reference of his awareness and chose to take no action to meaningfully investigate and correct the intentional economic discrimination from taking place through 2028. J. Hilliard was also in attendance.

160. CITY Director J. Carpenter created very specific plans to benefit UAB and SRI from 3/5/18 through 11/26/20 during Josh Carpenter employment at the CITY. On 10/12/20 the City 2018 – 2021 Economic Strategic Plan document was uploaded on the CITY website which places an emphasis on UAB and SRI interest which show how the CITY should (1) leverage opportunity zones, (2) encourage development within opportunity zones, (3) invest in precision population health and (4) to develop sites for biotech development with proximity to the medical district (UAB).

161. CITY Director J. Carpenter resigned from the CITY November 2020 and less than 12 months later secured development approval for Southern Research Institute (SRI), when he presented before the CITY Design review committee as a former director and now a President of a biotech company focused on precision population health with core assets adjacent to the UAB medical district as SRI CEO.

162. CITY Director J. Carpenter was allowed to violate Plaintiff 14th Amendment rights of the U.S. Constitution and 5th Amendment rights of the U.S. Constitution by being allowed to violate AL Ethics Laws 36-25-5, 36-25-13, 36-25-26, 36-25-27, and 18 U.S.C. 666 for the benefit of personal gain and

private gain of another and reckless disregard to the public interest where Plaintiff relied on statements of bad faith that were unknown when Plaintiff was met with financial roadblocks in Ensley created and fraudulently concealed by Josh Carpenter in both his UAB and CITY official capacities.

163. **COUNT ONE – THREE:** All in violation of 42 U.S. Code § 1983 - Civil action for deprivation of rights as Plaintiff reallege paragraphs 126 – 163.
164. **COUNT ONE:** – CITY, CITY Director J. Carpenter, Mayor Woodfin who at all times were responsible for the creation, management, and misrepresentations from relevant time period of 12/22/17 through 1/19/24
165. **COUNT TWO:** City Council collectively who acted with deliberate indifference from 3/6/18 to 1/19/24 to the City Council being excluded from the legislative process for zoning and allowed 28 non city entities, CITY Director J. Carpenter and Mayor Woodfin to operate in both the executive and legislative branch, while having full investigative powers as established in the Mayor Council Act and assess at all times to the 3/6/18 CITY FOZ letter.
- a. And for specific actions of City Council Defendants J. Hilliard, D. O’Quinn, V. Abbott, and C. Woods who were involved in very specific conversations about Ensley on 8/5/18, 4/1/19, 10/13/19, and 7/28/20
166. **COUNT THREE:** UAB Defendants: for the actions of UAB Director J. Carpenter creating a fraudulent document while working in the Office of the President of UAB; and for the actions allowing the use of the 3/6/18 CITY FOZ false report for the benefit of UAB off campus student housing; and for the actions allowing the false report to be used to benefit UAB commercial partner, SRI where UAB President also serve as Chairman and UAB Director J. Carpenter now serve as SRI CEO through 1/19/24

167. Plaintiff reallege Plaintiff Injuries / Actual Damages / Foreseeable Damages section and paragraphs 108 - 125 that break down Plaintiff lost as a result of the 3/6/18 CITY FOZ false report being permitted to excluded Plaintiff properties from 2018 – 2028.

168. As a result of intentional injuries, Plaintiff is entitled to actual which all together are estimated to exceed \$21 million in actual damages.

COUNT FOUR - 42 U.S. CODE § 1983 - CIVIL ACTION FOR DEPRIVATION OF RIGHTS

169. Plaintiff incorporates and reallege paragraphs 1 - 125 and each of the foregoing and subsequent paragraphs as though fully set forth herein.

170. This count is an action brought pursuant to Ethics Counsel B. Paterson. in his official capacity with the Alabama Ethics Commission acting with reckless disregard to procedural violations and equal protection violations based on AL ethics law violations of Mayor Woodfin, UAB Director, and CITY Director J. Carpenter whose actions have and continue to cause continuing injuries to the Plaintiff.

171. Ethics Counsel B. Paterson permitted fraudulent acts of bad faith where both Josh Carpenter and Randall Woodfin were receiving kickbacks and known personal gain in their individual capacities.

172. Plaintiff submitted a 246 page ethics complaint on 2/22/22 where:

173. Plaintiff showed in paragraphs 31 – 35 how Ethics Counsel B. Paterson acted with deliberate to the misuse of \$10 million in city funds, \$8 million in private funds, procedural violations Rachel Harmon, City Director J. Carpenter, UAB Director J. Carpenter and Mayor Woodfin and B. Paterson looked the other way to known STATE and Federal violations and permitted each CITY and UAB public servant to operate without the rule of law.

174. Plaintiff showed what Plaintiff believed was a very serious public interest procedural violations when Josh Carpenter uploaded CITY plans, resigned and less than 12 months presented before the

CITY as a former director based on his CITY plans he created and secured approval for his now \$84 million plus development.

175. Plaintiff showed pictures of omitted city assets and omitted brownfield sites on page 187, 188, and 189 that caused the removal of Downtown Ensley and Plaintiff properties for 10 years.

176. Ethics Counsel B. Paterson permitted known procedural ethics violations by Mayor Woodfin, CITY Director, and UAB Director and caused Plaintiff to be injured by known fraud.

177. As a result Plaintiff had to be faced with STATE and local economic oppression simultaneously.

178. B. Paterson turned a blind eye to the dangers of not having the AL Ethics Commission not operate as a public servant regulatory agency.

179. There was no where for the Plaintiff to go for help in the local government or STATE government to protect Plaintiff property rights and to protect Plaintiff from being ruled without law or the U.S. Constitution.

180. Ethics Counsel B. Paterson turned a blind eye to known danger of having Plaintiff property rights being removed through a regulatory zoning taking that breach Plaintiff 5th Amendment rights

181. Ethics Counsel B. Paterson turned a blind eye to Plaintiff property being injured by removing economic development incentives through Federal Opportunity Zones.

182. Plaintiff have sustained prolonged, accruing and substantial interference of Interstate Commerce.

183. Plaintiff reallege Plaintiff Injuries / Actual Damages / Foreseeable Damages section and paragraphs 108 - 125 that break down Plaintiff lost as a result of the 3/6/18 CITY FOZ false report being permitted to excluded Plaintiff properties from 2018 – 2028.

184. As a result of intentional injuries, Plaintiff is entitled to actual which all together is estimated to exceed \$21 million in actual damages.

COUNT FIVE - 42 U.S. CODE § 1983 - CIVIL ACTION FOR DEPRIVATION OF RIGHTS

185. Plaintiff incorporates and reallege paragraphs 1 - 125 and each of the foregoing and subsequent paragraphs as though fully set forth herein.
186. This count is an action brought pursuant to ADECA Defendants and Governor Ivey.
187. ADECA Defendants and Governor Ivey permitting the CITY, Mayor Woodfin, CITY Director J. Carpenter and UAB Director to use the known 3/6/18 CITY FOZ false report through 1/19/24 to influence local, STATE and Federal legislation.
188. Permitting the use of the known 3/6/18 CITY FOZ false report create the need for injunctive relief as nearly 1/3 of the African American citizens in Birmingham will continue to be affected through 2028 and through any additional extensions Congress and the President pass.
189. Permitting the use of the known 3/6/18 CITY FOZ false report creates a continued source of unjust enrichment involving a federal program.
190. Permitting the use of the known 3/6/18 CITY FOZ false report causes known dangers to persist to already distressed and underserved communities in Birmingham.
191. Permitting the use of the known 3/6/18 CITY FOZ false report is an investment into fires that has consumed vacant buildings in Downtown Ensley for decades.
192. Permitting the use of the known 3/6/18 CITY FOZ false report is investment into danger related to safety as adequate lighting and empty spaces breed more crime.
193. Permitting the use of the known 3/6/18 CITY FOZ False report is act of permitting a regulatory zoning taking from Plaintiff property rights based on unequal protection of the law.
194. Permitting the use of the known 3/6/18 CITY FOZ false report is permitting known violations of the 14th amendment rights of all property owner sin Census Tract 33, 34 and all the excluded surrounding census tracts that make up Wylam, Pratt City, Ensley, 5 Points West commercial districts.

195. Permitting the use of the known 3/6/18 CITY FOZ false report is an investment into disinvestment and our food deserts remain as investors are hindered by fraud affecting commerce.
196. Plaintiff reallege paragraphs 12 -16 ADECA Defendant M. Presley permitting the use J. Carpenter “clerical error” false statement is inconsistent with Presley statement which said “Mike Presley, a spokesman for the Alabama Department of Economic and Community Affairs, the lead agency in the state for Opportunity Zones, said after looking into what happened with Ensley over the course of a day last week, he was “not aware” of any error.”
197. As a result of failing to meaningfully investigate the inconsistent statements of CITY Director, Plaintiff properties are locked out of federal economic development incentives through 2028.
198. ADECA Director directly responsible for supervising federal opportunity zone submissions either failed to meaningfully investigate or in the alternative willfully permitted the fraud to be basis for the City of Birmingham that overwhelmingly benefitting private developers for the benefit of UAB off campus student housing that prepared by UAB Director J. Carpenter and managed by CITY Director J. Carpenter.
199. ADECA Defendants were the last reviewers after the Mayor Woodfin ratified the 3/6/18 CITY FOZ false report before passing recommendation over to Governor Ivey for final approval.
200. Governor Ivey sent her final nominations on 3/20/18 influenced by the 3/6/18 false report that also violated the STATE procedures based on AL Code § 36-25-26 False Reports to Influence Legislation and 36-25-17 Reports of Violations by Governmental Agency Head required in 10 days.
201. Permitting the use of the 3/6/18 CITY FOZ false report that was based of the personal gain of Josh Carpenter and private interest of all the named Defendants who have benefitted from unjust enrichment violates the procedures of AL Code § 36-25-5 and AL Code § 36-25-13 and as a result Plaintiff properties are faced with known property rights violations protected by the U.S. Constitution

202. The Defendant's business district where Plaintiff properties are located has been intentionally discriminated against.
203. The Defendants action were taken under the color of law and in violation of the Equal Protection Clause of the U.S. Constitution, Amendment XIV for which ADECA Defendants and Governor Ivey is liable to Plaintiff for permitting known fraudulent activity.
204. The purpose of the Equal Protection Clause of the U.S. Constitution Amendment XIV is to secure every person within the STATE's jurisdiction against intentional and arbitrary discrimination whether occasioned by express terms of a statute or by it's improper execution through duly constituted agents.
205. The difference in treatment for similarly situated landowners was not rationally related to a legitimate STATE interest but instead based on known fraudulent acts. .
206. The Defendants have openly allowed known fraud to rule law for an improper governmental purpose in passing legislation.
207. On the basis of the above allegations, the CITY, City Council, Mayor Woodfin, CITY Director, UAB Director, Ethics Counsel B. Paterson, ADECA Defendant M. Presley, and Governor Ivey actions has denied Plaintiff the equal protection of the guaranteed him under the Amendment XIV by intentionally denying the Plaintiff of federal programs and denying plaintiff of the regulatory functions of AL ethics laws. based on known fraudulent acts.
208. Plaintiff has suffered damage and harm as a direct and proximate result of Defendant's actions.
209. Plaintiff reallege Plaintiff Injuries / Actual Damages / Foreseeable Damages section and paragraphs 108 - 125 that break down Plaintiff lost as a result of the 3/6/18 CITY FOZ false report being permitted to excluded Plaintiff properties from 2018 – 2028.
210. As a result of intentional injuries, Plaintiff is entitled to actual which all together are estimated to exceed \$21 million in actual damages.

211. Wherefor Plaintiff prays this Court to enter a judgment for an award of damages in favor of Plaintiff against Defendants.

COUNT SIX - TEN - AMENDMENT XIV OF THE U.S. CONSTITUTION.

212. Plaintiff incorporates and realleges paragraphs 1 - 125 and each of the foregoing and subsequent paragraphs as though fully set forth herein.

213. This count is pursuant the CITY, City Council, Mayor Woodfin, CITY Director, UAB Director, UAB President, Ethics Counsel B. Paterson, ADECA Director, M. Presley, and Governor Ivey actions has denied Plaintiff the equal protection of the guaranteed him under the Amendment XIV by intentionally denying the Plaintiff of federal programs and denying plaintiff of the regulatory functions of AL ethics laws. based on known fraudulent acts.

214. Landowners in similarly situated zip codes and census tracts are allowed the use of the U.S. Department of the Treasury and IRS economic development tool known as federal opportunity zones from 2018 to 2028 where the municipal and STATE government have permitted known fraudulent acts to be basis of use.

215. As a result, the Plaintiff is not allowed the use of the federal economic development incentive through actions that are inconsistent with the equal protection clause of the Amendment VIV of the U.S. Constitution

216. On 2/22/22 Plaintiff notified the AL Ethics Commission per procedures for the STATE to step in an protect Plaintiff from the dangers of having a local municipal elected officials and employees from being allowed to operate without the rule of local ordinances, STATE laws, Federal laws and the U.S. Constitution.

217. The AL Ethics Commission accepted a custodial relationship of Plaintiff formal complaint and was involved in correspondence from 2/22/22 to 7/1/22 with the Plaintiff about affected STATE laws under their supervision.
218. Plaintiff sent over official records showing a misuse of \$10 million in CITY funds that was used as a kickback scheme that hired CITY employee Rachel Harmon less than 9 months after CITY Director, Mayor Woodfin and Rachel Harmon first presented Birmingham Promise on 7/16/19; and less than 6 months after City Council approval on 10/15/19; and less than 2 years later how Birmingham Promise was involved in the promotion of the “The Committee to Re-Elect Woodfin.” Not only did the ETHICS Counsel B. Paterson look the other way, but City Council and Mayor Woodfin looked the other way.
219. Plaintiff sent over official records how Birmingham Promise had used also used \$8 million of private funds and over \$2.5 million at the time how Birmingham Promise used STATE funds and how those funds were used in connection with a political action committee that violated ethics laws and also violating federal 501(c)3 laws. Ethics Counsel B. Paterson looked the other way and permitted Plaintiff to live under a government run without the rule of law. Not only did the ETHICS Counsel B. Paterson look the other way, but City Council and Mayor Woodfin looked the other way.
220. ETHICS Counsel B. Paterson repeated his reckless disregard when Plaintiff presented material facts showing how Josh Carpenter repeated the same actions of Rachel Harmon when Josh Carpenter resigned from CITY Hall and less than 12 months presented before the CITY and secured approval of his \$65 million development, but now as the President of SRI. The development has grown to \$84 million plus now. Not only did the ETHICS Counsel B. Paterson look the other way, but City Council and Mayor Woodfin looked the other way.
221. Plaintiff sent over official records to Ethics Counsel that showed the initial letters in the complaint were from 2/23/18 to 2/27/18 while UAB Director was still working full time in the office of the

President of UAB President. Plaintiff showed how UAB President failed to supervise UAB Director J. Carpenter while working in the office of the President or in the alternative permitted fraudulent acts willfully from correspondence on 2/22/22, 3/19/22, and 7/1/22.

222. Plaintiff showed how on UAB Director first official day at the CITY was 3/5/18 and how one day later fraud prepared by UAB Director became the basis of federal opportunity zones which removed Plaintiff properties from 2018 to 2028 for the benefit of more UAB off campus student housing and for Josh Carpenter personal gain through interest at UAB and SRI.

223. Plaintiff showed the effects of Mayor Woodfin ratifying the 3/6/18 CITY FOZ false report that were used to influence legislation violating AL Code 36-25-17 and 18 U.S. Code § 666.

224. Plaintiff sent official records showing how over \$300 million in developments around UAB were direct beneficiaries of the 3/6/18 CITY FOZ false report prepared by UAB Director and CITY Director and how UAB off campus student housing was the largest benefactor of the known fraudulent letter. Ethics Counsel B. Paterson turned a blind eye to actions Josh Carpenter again. Not only did the ETHICS Counsel B. Paterson look the other way, but the City Council and Mayor Woodfin looked the other way.

225. Plaintiff sent over official records that showed how 28 non city entities were involved in the operation of the local government but not a single City Council defendant was included and the executive branch performed the duties of the legislative branch for the unjust enrichment of those attached to the 3/6/18 CITY FOZ false report. Ethics Counsel B. Paterson looked the other way for the local government to operate outside of proper channels. The City Council took no action to meaningfully investigate what was sent and why were they excluded. The City Council has remained silent about the legislative branch being excluded through 1/19/24 and as a result, no corrective actions have been taken to cease the unjust enrichment of those included in 3/6/18 letter.

226. Plaintiff sent over official records that showed CITY Director J. Carpenter making a false representation in the 8/5/18 Route Fifty Article that were inconsistent with ADECA Defendant M. Presley in the same article who said he did not find any errors about Downtown Ensley being left out over a clerical error. M. Presley and ADECA Director directly responsible for supervising federal opportunity zone submissions either failed to meaningfully investigate or in the alternative willfully permitted the fraud to be basis for the City of Birmingham that overwhelmingly benefitting private developers for the benefit of UAB off campus student housing that prepared by UAB Director J. Carpenter and managed by CITY Director J. Carpenter.
227. Plaintiff eventually found one meeting on 4/1/19 discussing what was in the letter that was sent to the STATE from Mayor Woodfin on 3/6/18. J. Hilliard asked was Downtown Ensley in the original letter and Mayor Woodfin said yes but the Governor denied it. J. Hilliard then said why would the Governor deny Ensley of all areas in the CITY. Mayor Woodfin then stated you should ask the Governor. Still no city council had the privilege of reviewing the letter in the meeting as the letter and the improper purposes of the letter was concealed by the Mayor Woodfin and CITY Director.
228. Plaintiff sent over inconsistent statements of ADECA representatives, the last reviewers of the 3/6/18 CITY FOZ false report that that was then used as the basis for Governor Ivey recommendations sent to the White House on 3/20/18. Ethics Counsel B. Paterson permitted the use of the known fraud even when it affected the final signature of Governor Ivey. No actions have been taken to cease the use of official actions based on fraudulent acts and as a result Plaintiff is locked out of federal incentives based on the actions of the local government and STATE government. Not only did the ETHICS Counsel B. Paterson look the other way, but the City Council and Mayor Woodfin did as well.
229. Plaintiff sent over official statements and actions that caused a continuation of concealment and all were ignored by Ethics Counsel B. Paterson.

230. Plaintiff has been forced to live under a local and STATE government denying Plaintiff of equal protection of the laws and as a result Plaintiff have suffered economic damages and substantial emotional distress.
231. The purpose of the Equal Protection Clause of the U.S. Constitution Amendment XIV is to secure every person within the STATE's jurisdiction against intentional and arbitrary discrimination whether occasioned by express terms of a statute or by its improper execution through duly constituted agents.
232. The difference in treatment for similarly situated landowners was not rationally related to a legitimate STATE interest but instead based on known fraudulent acts. .
233. The Defendants have openly allowed known fraud to rule law for an improper governmental purpose in passing legislation.
234. On the basis of the above allegations, the CITY, City Council, Mayor Woodfin, CITY Director, UAB Director, Ethics Counsel B. Paterson, ADECA Director, M. Presley, and Governor Ivey actions has denied Plaintiff the equal protection of the guaranteed him under the Amendment XIV by intentionally denying the Plaintiff of federal programs and denying plaintiff of the regulatory functions of AL ethics laws. based on known fraudulent acts.
235. **COUNT SIX – TEN:** All in violation of 42 U.S. Code § 1983 - Civil action for deprivation of rights as Plaintiff reallege paragraphs 126 – 163.
236. **COUNT SIX:** – CITY, CITY Director J. Carpenter, Mayor Woodfin who at all times were responsible for the creation, management, and misrepresentations from relevant time period of 12/22/17 through 1/19/24
237. **COUNT SEVEN:** City Council collectively who acted with deliberate indifference from 3/6/18 to 1/19/24 to the City Council being excluded from the legislative process for zoning and allowed 28 non city entities, CITY Director J. Carpenter and Mayor Woodfin to operate in both the executive and

legislative branch, while having full investigative powers as established in the Mayor Council Act and assess at all times to the 3/6/18 CITY FOZ letter.

- a. And for specific actions of City Council Defendants J. Hilliard, D. O’Quinn, V. Abbott, and C. Woods who were involved in very specific conversations about Ensley on 8/5/18, 4/1/19, 10/13/19, and 7/28/20

238. **COUNT EIGHT:** UAB Defendants: for the actions of UAB Director J. Carpenter creating a fraudulent document while working in the Office of the President of UAB; and for the actions allowing the use of the 3/6/18 CITY FOZ false report for the benefit of UAB off campus student housing; and for the actions allowing the false report to be used to benefit UAB commercial partner, SRI where UAB President also serve as Chairman and UAB Director J. Carpenter now serve as SRI CEO through 1/19/24
239. **COUNT NINE:** Ethics Counsel turning a blind eye to known dangers of repeated violations of ethics laws from Plaintiff complaint and correspondence between 2/22/22 and 7/1/22.
240. **COUNT TEN:** ADECA Defendants turning a blind eye to the 3/6/18 CITY FOZ false report that has been used as basis for federal and state legislation through 1/19/24.
241. Plaintiff has suffered damage and harm as a direct and proximate result of Defendant’s actions.
242. Plaintiff reallege Plaintiff Injuries / Actual Damages / Foreseeable Damages section and paragraphs 108 - 125 that break down Plaintiff lost as a result of the 3/6/18 CITY FOZ false report being permitted to excluded Plaintiff properties from 2018 – 2028.
243. As a result of intentional injuries, Plaintiff is entitled to actual which all together are estimated to exceed \$21 million in actual damages.
244. Wherefor Plaintiff prays this Court to enter a judgment for an award of damages in favor of Plaintiff against Defendants.

COUNT ELEVEN IS PURSUANT 18 U.S. CODE § 1964 - CIVIL REMEDIES FOR 18 U.S. CODE CHAPTER 96 - RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS (CIVIL RICO)

245. Plaintiff reallege paragraphs 1 -125 and Plaintiff places and emphasis on paragraphs 84 – 107 that are incorporated by reference and damages cited herein below.
246. Plaintiff reallege unlawful acts committed in non-government capacities and in “individual capacities” where governmental and/or sovereign immunity has been violated for fraudulent acts.
247. The count is an action brought pursuant to alleged violations under 18 U.S. Code § 1964 - Civil remedies which is civil remedy for prohibited activities as stated in 18 U.S. Code § 1962 which prohibit activities as persons described with the meaning of “section 2, title 18” (18 U.S. Code § 2). Additional definitions for racketeering are defined in 18 U.S. Code § 1961.
248. 18 U.S. Code § 1964 (c) “Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney’s fee, except that no person may rely upon any conduct that would have been actionable as fraud in the purchase or sale of securities to establish a violation of section 1962.”
249. Defendant’s Brian Paterson, Randall Woodfin, Josh Carpenter, SRI CEO J. Carpenter, Pine Street CEO, D. Calloway, Corporate Realty, R. Simon, ServisFirst, T. Broughton, REV Birmingham, REV CEO D. Fleming, David Fleming, BBA, B. Hilson, R. Welch, owed Plaintiff a duty of reasonable care and they breached governmental immunity and sovereign immunity and committed intentional, willful, official misconduct, bad faith acts performed beyond their authority and violated Civil RICO.
250. The Conspiracy and its Objects:
251. The manner and means by which the defendants sought to accomplish the objects and purpose of the conspiracy included, among other things, the following:

252. From on or about 12/22/17 through 1/19/24, in Birmingham, AL, the defendants named in non-government capacities breached immunity and participated in more than two prohibited activities per 18 U.S. Code § 1962 that caused unjust enrichment for co-conspirators and injured the Plaintiff properties.
253. Josh Carpenter led the fraudulent activities as Josh used his public positions as UAB Director of External Affairs and CITY position as the Economic Development Director as the access points prepare and conceal the 3/6/18 CITY FOZ false report for the benefit UAB, SRI, and the Co-Conspirators who sent in letters of supports between 2/23/18 to 2/27/18 to be attached to false report.
254. Josh Carpenter then submitted the false report to Randall Woodfin and Randall Woodfin used his position as the Mayor to ratify the known fraud and willful omission of city assets and brownfield sites in Downtown Ensley.
255. Randall Woodfin and Josh Carpenter sent the letter by mail or wire to the STATE with known fraud steering federal resources away from distressed majority African American commercial districts and neighborhoods.
256. Corporate Realty Defendants, ServisFirst Defendants, BBA Defendants, and REV Birmingham Defendants sent letters of support that were attached to the 3/6/18 CITY FOZ false report shown on page 15, 41, 43, 57.
257. REV Birmingham Defendants was the CITY contracted project manager and consultant for Downtown Ensley and was paid \$181,250 and \$338,000 in 2018 to help with economic development in Downtown Ensley while simultaneously taking a part of a fraudulently concealed 10 year tax fraud scheme that causes suppression of economic development in Downtown Ensley through 2028 through Federal Opportunity.
258. The Plaintiff was deprived of Honest Services from the CITY and REV Birmingham Defendants 3/6/18 through 1/19/24.

259. Plaintiff was on conference calls with REV Birmingham Defendants and Josh Carpenter discussing how the Governor denied Downtown Ensley on 3/1/19 for the Ramsay McCormack development and the 3/6/18 false report was concealed and never discussed showing REV Birmingham involvement.
260. REV Birmingham Defendants was and is a current beneficiary of the Market Lofts on Third a \$33 million federal opportunity zone development who joined the conspiracy and continue to remain apart of the conspiracy as REV Birmingham Defendants have taken no action to remove itself from unjust enrichment of the conspiracy.
261. ServisFrist Defendants are announced as the financial providers of (1) The Marshall a \$55 million federal opportunity zone development that is promoted as UAB Off Campus Student Housing (2) Tower on the 10th a \$40 million federal opportunity zone development immediately adjacent to SRI where Josh Carpenter is now the President that is also promoted as UAB Off Campus Student Housing where ServisFirst are benefitting from the fraudulent 3/6/18 CITY FOZ false report where there letter was attached. ServisFirst Defendants have taken no action to remove themselves from the unjust enrichment and the conspiracy through 1/19/24.
262. Corporate Realty Defendants was and is a current beneficiary of the 3/6/18 false as the ServisFirst Co-Conspirator development is immediately behind SRI and Corporate Realty \$300 million plus Southtown Projects redevelopment known as Edgehill is immediately adjacent to SRI on the East side that is also benefitting from being in a federal opportunity zone caused by the 3/6/18 CITY FOZ false report. Corporate Realty employee, Carol Clarke is also apart of the City Council and is aware of the fraud excluded the census tract she lives in which includes 5 Points West Commercial District. Carol Clarke has taken no action nor has Corporate Realty taken no action to remove themselves from the ongoing conspiracy where Corporate Realty Defendants benefit.

263. BBA Defendants lead the largest economic development agency for the region and have accurate market data of the omissions for Downtown Ensley have taken no action to separate from the conspiracy as Corporate Realty Defendants, UAB Defendants, CITY Defendants, REV Birmingham Defendants are all apart of the BBA and several have been identified as benefitting from the known fraud in their private capacities.
264. Forbes Tate Partners, LLC and R. Welch contracted with Pine Street, Pine Street CEO and D. Calloway to represent the City of Birmingham as federal lobbyist and on 4/1/19 all were in attendance speaking at the CITY Government Affairs committee on the exclusion of Ensley from federal opportunity zones.
265. On 4/1/19 Forbes Tate Partners, LLC and Wesley Ryan Welch who were in contract as the lead federal lobbyist with Pine Street, Pine Street CEO, and D. Calloway as federal lobbyist representing the City of Birmingham presented at CITY Government Affairs committee. Plaintiff have not been able to locate any mandated federal lobbyist registration with the State of Alabama for Pine Street.
266. As a result, Plaintiff properties were directly affected by the fraudulent concealment tactic to blame Governor Ivey by an unregistered federal lobbyist as shown below.
267. On 4/1/19 Pine Street CEO and Mayor Woodfin blamed Governor Ivey for the denial of Downtown Ensley and R. Welch remained silent and Plaintiff was deceived into thinking Downtown Ensley exclusion was done lawfully with City Councilors J. Hilliard, D. O'Quinn, V. Abbott, and C. Woods also in attendance.
268. Through 1/19/24 no overt actions have been taken to remove themselves from the conspiracy where they were paid out of city funds as federal lobbyist and co-conspirators continue to benefit from the 3/6/18 CITY FOZ false report.
269. Brian Paterson turned a blind eye to numerous official records Plaintiff sent between 2/22/22 and 7/1/22 confirming the omissions for Downtown Ensley and the regular occurrences of AL ethics

violations. Brian Paterson joined the conspiracy and acted with nonfeasance to misuse and abuse of office of Mayor Woodfin (in individual and official capacities), Rachel Harmon, J. Carpenter (in individual and official capacities), and UAB President. Brian Paterson permitted the use of fraud and caused the conspiracy to continue willfully.

270. The purpose of the conspiracy was to defraud the U.S. Government by unlawfully influencing STATE and federal legislation with false records, statements sent by mail or wire to steer federal programs and 100% capital gains write offs to incentivize investments for the unjust enrichment of personal or private gain. The Manner and Means of the Conspiracy.

271. Defendants actions repeatedly breach section 2, title 18, United States Code (18 U.S. Code § 2 – Principals) for prohibited activities. Defendant’s action cause injury to plaintiff and within section (c) of 18 U.S. Code § 1964, Plaintiff shall “shall recover threefold the damages he sustains and the cost of the suit.”

272. The Plaintiff’s injuries, which were caused by the Defendant’s actions have caused the Plaintiff to suffer or incur the following losses, injuries and damages such as diminished and/or stagnant and/or diminished appraisal values, loss business profits, economic loss.

273. Defendants have caused continuous violations, ongoing unconstitutional violations, ongoing federal violations, ongoing local violations, ongoing STATE violations, causing the Plaintiff to sustain prolonged, accruing and substantial interference to property.

274. All in violation of Title 18, United States Code, Section 1964.

275. As a result of intentional injuries, Plaintiffs is entitled to actual and treble damages which all together are estimated to exceed \$21 million in actual damages and over \$63 million in treble damages where a statute permits treble damages and more for punitive damages where the court see fit for private corporations and or individuals.

COUNT TWELVE FRAUDULENT CONCEALMENT

276. Plaintiff incorporates and realleges paragraphs 1 - 125 by reference as though fully set forth herein.
277. The count is an action brought pursuant to alleged violations under the doctrine of fraudulent concealment for Ethics Counsel B. Paterson, CITY, Mayor Woodfin, City Council, UAB Director, CITY Director, and ADECA Defendants intentionally concealing material information which did deceive the Plaintiff and the public with false representations made between 12/22/17 through 1/19/24.
278. Under the doctrine of fraudulent concealment that statute of limitations is tolled and all Counts listed by the Plaintiff fall with the statute of limitations.
279. Public Defendants had a duty to act in good faith and act lawfully under U.S. Constitution, local, STATE, and federal laws.
280. On 6/22/22 Ethics Counsel B. Paterson turned a blind eye to the misuse of \$10 million in city funds, \$8 million in private funds, over \$2.5 million in state funds that was used to promote Mayor Woodfin in the 2021 election campaign and allowed fraud to remain concealed.
281. On 6/22/22 Ethics Counsel B. Paterson turned a blind eye to the misuse of office by CITY Director J. Carpenter, Josh Carpenter, UAB Director J. Carpenter using his CITY governmental capacity to create an \$84 million inside deal which caused the fraudulent acts to remain concealed.
282. On 6/22/22 Ethics Counsel B. Paterson turned a blind eye to the misuse of UAB Director, CITY Director, and Mayor Woodfin actions that caused a known fraudulent report to be used for the basis of federal programs for 10 years that was denied to the Plaintiff. When B. Paterson chose to look the other way, his action caused the CITY fraud to remain concealed.
283. On 7/1/22 Counsel B. Paterson looked the other way again to Plaintiff correspondence showing UAB Director, CITY Director, and Mayor Woodfin actions again. B. Paterson choosing to ignore the legislative purchase of ethics laws has caused all fraud to remain concealed.

284. In the alternative, if Ethics Counsel B. Paterson has legal excuse that he did not see the fraud on the face, then the fraud was so well concealed by CITY Director J. Carpenter and Mayor Woodfin and therefore the fraud still remains concealed causing ongoing injuries to Plaintiff properties.
285. On 4/1/19 Mayor Woodfin placed the blame on Governor Ivey when speaking at the CITY Governmental Affairs Committee. J. Hilliard kept asking what happened to Ensley and Mayor Woodfin repeated the Governor denied Ensley. Plaintiff district councilor did not even have access to the 3/6/18 CITY FOZ false report which caused further concealment.
286. Plaintiff have not found any public hearing involving the City Council from 12/22/17 through 1/19/24 whether the City Council was involved as the legislative branch of government. Mayor Woodfin and CITY Director concealed their actions from the beginning through the present causing fraudulent concealment.
287. On 8/5/18 CITY Director J. Carpenter, M. Presley, and J. Hilliard were apart of the clerical error conversation that is still displayed in the public as truth with no corrections where M. Presley knew there was an inconsistent statement regarding Ensley.
288. M. Presley, J. Hilliard and UAB Director J. Carpenter let the fraud remain for public consumption and deception through 1/19/24 that has continued to cause ongoing exclusion from federal economic development incentives through 2028 for the Plaintiff.
289. All public defendants have been notified of the fraud through the filing of this federal lawsuit and service that has been performed and all have taken no action to correct the ongoing injuries affecting a major public interest where nearly 1/3 of the City of Birmingham African American residents.
290. Plaintiff has suffered damage and harm as a direct and proximate result of Defendant's actions.
291. Plaintiff reallege Plaintiff Injuries / Actual Damages / Foreseeable Damages section and paragraphs 108 - 125 that break down Plaintiff lost as a result of the 3/6/18 CITY FOZ false report being permitted to excluded Plaintiff properties from 2018 – 2028.

292. As a result of intentional injuries, Plaintiff is entitled to actual which all together are estimated to exceed \$21 million in actual damages.

COUNT THIRTEEN 18 U.S. CODE CHAPTER 31 - EMBEZZLEMENT AND THEFT
VIOLATION OF 18 U.S. CODE § 666 - THEFT OR BRIBERY CONCERNING PROGRAMS
RECEIVING FEDERAL FUNDS.

293. Plaintiff incorporates and reallege paragraphs 1 - 125 and each of the foregoing and subsequent paragraphs as though fully set forth herein.

294. This count is pursuant to Defendant's Governor Ivey, ADECA Director, M. Presley, Ethics Counsel B. Paterson, CITY, Mayor Woodfin, City Council, UAB Director, CITY Director as each Public defendant even after being notified have turned a blind eye to ongoing injuries to Plaintiff properties where fraud has been the basis of federal, state, and local incentives from the relevant time period of 3/6/18 through 1/19/24 that knowingly breach 18 U.S. Code § 666.

295. Each public defendant has permitted embezzlement under the "under the care, custody, or control" of each public entity as defined in their official capacities.

296. Defendant's actions of fraud impaired the following section of the federal program statute which state: "(a)Whoever, if the circumstance described in subsection (b) of this section exists— (1)being an agent of an organization, or of a State, local, or Indian tribal government, or any agency thereof— (A)embezzles, steals, obtains by fraud, or otherwise without authority knowingly converts to the use of any person other than the rightful owner or intentionally misapplies, property that— (i)is valued at \$5,000 or more, and (ii)is owned by, or is under the care, custody, or control of such organization, government, or agency".

297. **CITY DEFENDANTS:** – CITY, CITY Director J. Carpenter, Mayor Woodfin who at all times were responsible for the creation, management, and misrepresentations from relevant time period of 12/22/17 through 1/19/24
298. **CITY COUNCIL** collectively who acted with deliberate indifference from 3/6/18 to 1/19/24 to the City Council being excluded from the legislative process for zoning and allowed 28 non city entities, CITY Director J. Carpenter and Mayor Woodfin to operate in both the executive and legislative branch, while having full investigative powers as established in the Mayor Council Act and assess at all times to the 3/6/18 CITY FOZ letter.
- a. And for specific actions of City Council Defendants J. Hilliard, D. O’Quinn, V. Abbott, and C. Woods who were involved in very specific conversations about Ensley on 8/5/18, 4/1/19, 10/13/19, and 7/28/20
299. **UAB DEFENDANTS:** for the actions of UAB Director J. Carpenter creating a fraudulent document while working in the Office of the President of UAB; and for the actions allowing the use of the 3/6/18 CITY FOZ false report for the benefit of UAB off campus student housing; and for the actions allowing the false report to be used to benefit UAB commercial partner, SRI where UAB President also serve as Chairman and UAB Director J. Carpenter now serve as SRI CEO through 1/19/24
300. **AL ETHICS COMMISSION:** Ethics Counsel turning a blind eye to known dangers of repeated violations of ethics laws from Plaintiff complaint and correspondence between 2/22/22 and 7/1/22.
301. **ADECA DEFENDANTS AND GOVERNOR IVEY:** ADECA Defendants turning a blind eye to allowing Governor Ivey to sign off on nominations on 3/20/18 based on the 3/6/18 CITY FOZ false report that has been used as basis for federal and state legislation through 1/19/24.
302. Plaintiff has suffered damage and harm as a direct and proximate result of Defendant’s actions.

303. Plaintiff reallege Plaintiff Injuries / Actual Damages / Foreseeable Damages section and paragraphs 108 - 125 that break down Plaintiff lost as a result of the 3/6/18 CITY FOZ false report being permitted to excluded Plaintiff properties from 2018 – 2028.

304. As a result of intentional injuries, Plaintiff is entitled to actual which all together are estimated to exceed \$21 million in actual damages.

305. Wherefor Plaintiff prays this Court to enter a judgment for an award of damages in favor of Plaintiff against Defendants.

V. Relief

WHEREFORE, Plaintiff, respectfully pray for judgment as follows:

1. Award Plaintiff their costs and reasonable attorney fees.
2. An amount in excess of \$21 million for actual damages.
3. Treble damages under Civil RICO.
4. An amount equal to the diminution in value of Plaintiff property.
5. An amount equal to loss rent.
6. An amount equal to loss profit.
7. An amount equal to diminution in value and Plaintiff lost ability to develop property.
8. Grant compensatory and punitive damages against each non-governmental corporation and individuals in their individual capacities.
9. Enter an order for declaratory injunctive relief to void all invalid, unconstitutional, active FOZ in the jurisdiction of the CITY.
10. Award such other and further relief as this Court deems just and proper.

VI. Certification and Closing

Under Rule 11 of the Federal Rules of Civil Procedure, by signing below, I certify to the best of my knowledge, information, and belief that this complaint; (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) complies with the requirements of Rule 11.

I agree to provide the Clerk’s Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk’s Office may result in dismissal of my case.

First Name Brian Last Name Rice

Mailing Address [REDACTED]

City and State Birmingham, Alabama Zip Code [REDACTED]

Telephone Number [REDACTED]

E-mail Address [REDACTED]

Signature of plaintiff _____

Date signed _____

EXHIBIT 1

BIRMINGHAM'S FIRST BOMBING RELATED TO ZONING

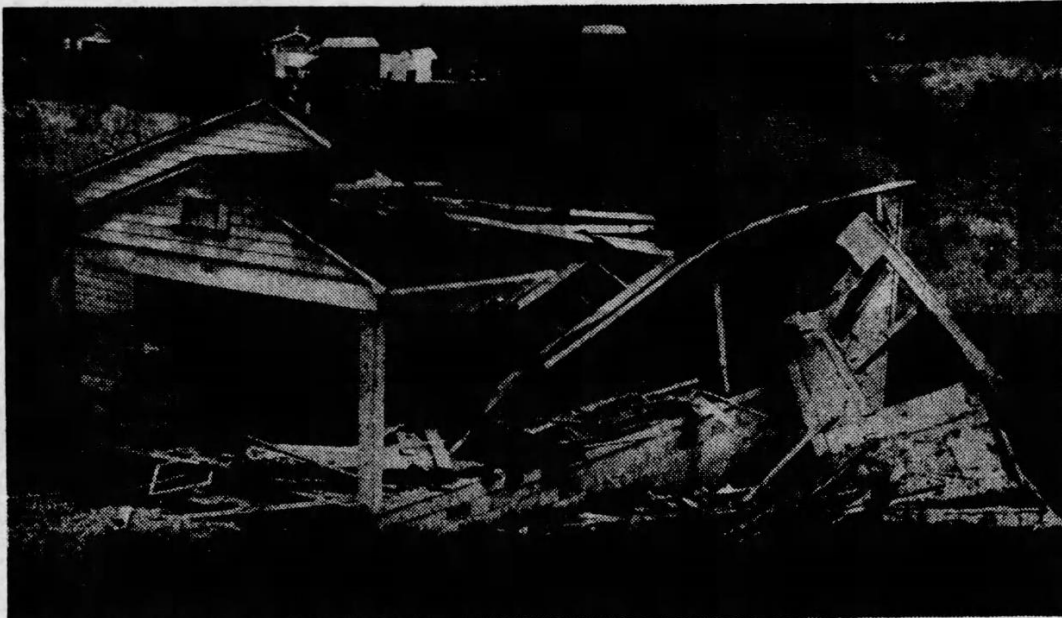
8 19 1947

By Joseph and Stewart Alsop

60TH YEAR—NO. 136

20 Pages

BIRMINGHAM



DEMOLISHED IN EXPLOSION—The home shown above, located at 120 11th Court, West, was blown up last night, climaxing a long dispute over the city's racial zoning laws.

Bessemer Opens Legal Action In Clean-Up Drive

Health Department Swears Out Warrants On Property Owners

Jefferson County Health Department today began legal action to "clean up" Bessemer insanitary waste disposal situations.*

Warrants are being sworn out by the department against "several" property owners—two of them with large real estate holdings—Guy Tate, chief of the Bureau of Sanitation, said.

"We issued notices the middle of July to these people," Mr. Tate said. "They were told to make their property sanitary. They have shown no indication that they will comply with state sanitation laws under which the notices were served. There is nothing left for us to do but take the matter into court."

MR. TATE SAID he was not ready this morning to release names of the persons who will be placed under bond by the Bessemer Cut-off sheriff until the matter is brought to court for trial.

There are 1,690 dwellings in Bessemer, Mr. Tate said, which have sewage connections available but

House In Zoning Dispute Blown Up

Dynamite Believed Used To Crumple Negro Home Built In 'White' Area

The house at 120 11th Court, West, which has been the center of a dispute over the city's zoning law which prohibits Negroes from living on property zoned for white persons, was blown up last night.

One side of the newly completed, six-room dwelling was blown off. The rest of the house was crushed by the explosion.

The dwelling was built recently by Samuel Matthews, Negro, now living at 631 First Court, North. Matthews and his wife had intended living in the home, but had been refused an occupancy permit by the city.

On July 31, Federal Judge Clarence Mullins ruled the city's zoning law was unconstitutional on the particular that it prevented Negroes living on property zoned for white residential purposes.

THE CITY ATTORNEY'S office indicated an appeal would be taken, but so far no appeal has been filed from Judge Mullins' decision.

Arthur Shores, Negro, attorney for Matthews in the litigation, said he believed dynamite was used to blow up the house. He said police have been notified.

The dwelling is the only building in that particular block, located near East Thomas. The explosion occurred about 11 o'clock last night, Shores said.

POLICE CHIEF FLOYD ED.

Hitler's Doctor Found Guilty Of Cruelties

14 Other Physicians Convicted; Seven Defendants Freed

NUERNBERG, Germany, Aug. 19 —(P)—An American War Crimes Court convicted Dr. Karl Brandt, personal physician to Adolf Hitler, and 14 other German doctors today of war crimes for fatal experiments on humans.

The prosecution had charged that hundreds of thousands of concentration camp inmates were killed in "worthless" experiments. Seven doctors were acquitted.

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brought to court for trial.

There are 1,690 dwellings in Bessemer, Mr. Tate said, which have sewage connections available, but are equipped with outdoor privies. It is this group of houses that the Health Department is concentrating its attention on now.

The sewers have been available since WPA and PWA days, Mr. Tate said, when Bessemer took advantage of cheap labor and material costs to install them.

"We regret that we must resort to drastic action. We are sure a majority of the property owners will cooperate with us in our efforts. But those who don't will have to suffer the consequences," the sanitation head said.

Bessemer city commissioners are just as anxious as the County Health Department to get their city's insanitary conditions cleaned up.

Joe F. Lewis, commission president, made this clear in a statement today. Said he, "There seems to be a misunderstanding in certain quarters that there is friction between the commissioners and Dr. George Denison, county health officer, or his department. This is untrue.

"At no time since Feb. 1 (when the commissioners took office) have we hindered the health authorities in their endeavors to improve health conditions within this city." The Health Department this week released a report showing that while sewage facilities are available

Turn to Page 4, Column 4

Showers Hoped To Allay Heat

Scattered showers which managed only a trace of precipitation in this area yesterday will "try again" today and tomorrow.

Weatherman Charles F. Bradley predicted a 95-high temperature along with showers today and tomorrow.

While Birmingham mercuries stopped at the 92-mark yesterday, other sections of the state had hotter weather, Mr. Bradley reported. Montgomery, Huntsville and Muscle Shoals recorded 95 degrees, while Tuscaloosa announced a 96 high for the day.

Complete forecast for Birmingham and vicinity is: Partly cloudy to cloudy and hot with scattered afternoon thunder showers today

occurred about 11 o'clock last night, Shores said.

POLICE CHIEF FLOYD EDWARDS said today he had assigned Detectives E. B. Lewis and George Palmer to work exclusively on investigation of the blast. They have been instructed, he said, to "get to the bottom of the matter and leave no stone unturned in finding out who is responsible."

Meanwhile, H. E. Hagood, city building inspector, said he had been told recently by Matthews' wife that they intended to sell the house. They were quoted by Hagood as saying they were reluctant to move in because of the controversy.

The home is about a half-block from a thickly settled Negro neighborhood and three blocks from the nearest white residences, Shores said.

THE HOUSE WAS VALUED at between \$4,000 and \$5,000.

In testimony given July 31 before Judge Mullins, Atty. Shores charged that City Building Inspector H. E. Hagood had put off furnishing his clients (Matthews and his wife) with an occupancy permit, explaining that he (Hagood) would have to discuss it with the city attorney.

Inspector Hagood testified Shores had requested a special written permit in addition to the customary one that is issued. He said that was the reason he wished to take the matter up with the city attorney.

The building inspector said he received authorization to issue the occupancy permit, but that Shores never returned for it.

F. A. Curtis, Negro, a member of Shores' office, testified he made two trips to Hagood's office to get the permit. Curtis said he did not remember Hagood telling him he (Hagood) would get the permit approved.

AT THE HEARING, H. L. Farley, real estate man, told the court he had tried to sell the house to several white prospects but they would not buy because of its location.

Judge Mullins pointed out that the U. S. Supreme Court and the Supreme Courts of North Carolina, Georgia and South Carolina have declared ordinances similar to the city's zoning law on this point unconstitutional on the grounds that the ordinance violates the 14th Amendment.

that hundreds of thousands of concentration camp inmates were killed in "worthless" experiments.

Seven doctors were acquitted. The 23rd defendant, one Helmut Poppendick, was acquitted on war crimes charges but convicted of membership in the SS.

The language of the lengthy judgment was so scathing, it appeared the death penalty would be imposed in some cases tomorrow.

The four-man court, headed by Judge Walter Beals, of the Washington State Supreme Court, found the 43-year-old S. S. (Elite Guard) general guilty of crimes against humanity as charged by the prosecution, which had accused him of killing hundreds of thousands of human guinea pigs in "worthless" experiments.

Brandt was one of 23 co-defendants who made up the S. S. Medical Corps. His fate and that of his fellow defendants was contained in a 300-page report.

BRANDT'S WAS THE first conviction to be announced.

Sentences will be passed Thursday, Brig. Gen. Telford Taylor, U. S. prosecutor, had asked death for the defendants.

The court found that Brandt was directly responsible for the high altitude and freezing experiments, as well as malaria, mustard gas, sea water and sterilization tests from which many victims died.

Brandt stared coldly at his four judges as he heard himself and his fellow defendants denounced in scathing terms in the judgment.

CONVICTED WITH BRANDT were Siegfried Handloser, medical inspector of the German Army, and Oskar Schroeder, chief of the Luftwaffe's medical service, both of whom were charged with war crimes and crimes against humanity.

The judgment found they were linked with knowledge of the experiments and declared they could have prevented cruel ties and deaths if they had acted in their official capacity.

Paul Rostok, tall, fat chief surgeon of the Berlin Clinic and head of army research, was acquitted. The evidence, the court found, failed to show that he overstepped the bounds of medical ethics or knew conclusively what was being done in concentration camp clinics.

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AL ETHICS COMMISSION KEY PAGES SENT ON 2/22/22
THAT ARE THE SUBJECT OF THIS LAWSUIT



I am asking for the **AL Ethics Commission** and the **Office of the Attorney General** and the **District Attorney** and the **AL Secretary of State** and the **AL Examination of Public Accounts** and the **Department of Justice** to lead a full investigation associated with **over a dozen ethics violations** that mirror state, federal, and constitutional violations for public officials and public employees within the **Woodfin Administration**. I initially was only concerned with the deprivation of rights affecting my **\$0.00** appraisal but I felt it critical to show continued disregard of state laws, federal laws, and the U.S. Constitution by the same public officials and public employees at the City of Birmingham. All statements are alleged until confirmed by the court of law.

Birmingham Stolen Dreams and the Misuse of Public Tax Dollars for Personal Gain

1. **Section 36-25-26 False Reports to Influence Legislation (Federal law: 18 USC 666, 18 USC 371, 18 USC 1341/1343, 31 USC 3279)**
2. **Section 36-25-5 Use of Office for Personal Gain**
3. **Section 36-25-13 Revolving Door**
4. **Section 36-25-6 Candidate Contributions (Sec. 17-17-5 Improper use for political activities; Rev. Rul. 2007-41, 2007-25 I.R.B.)**
5. **Section 36-25-27 Intentional Violations, Secrecy**
6. **Section 36-25-11 Public officials or employees entering into contracts which are to be paid out of government funds (What about creating and preplanning government contracts, 501c3s and non-government companies for their own use and campaign use while still public servants)**
7. **Section 36-25-17 Reports of Violations by Governmental Agency Head required in 10 days (This is a conflict of interest as Woodfin would have to incriminate himself and his violating employees multiple times that are benefitting him politically with their dishonest acts.)**

The day my buildings were appraised less than a single penny at **\$0.00** violating state and federal laws, I **asked for help locally** and soon after I was met with barriers from the Woodfin Administration. The behavior from the Woodfin Administration regarding a 3rd party bank and appraisal performed by CBRE and approved by Synovus Birmingham Division CEO Nelson Bean caused me to ask WHY and then I began researching my deprivation of rights and connections with Woodfin and Synovus Bank. I eventually learn of the scheme with Woodfin as a public official to defraud me of my property rights with **Federal Opportunity Zones** then **Redlining** then I ask for help with the **Alabama Real Estate Appraisal Board** then I was faced with **Taxation Without Representation while Buildings Still Being Appraised at \$0.00** then I learn of **Woodfin Administration 501c3 violations** then **Revolving Door violations** then **Candidate violations** and then **Misuse of Public Tax Dollars for Personal Gain**.

By Brian K. Rice 2/22/22

www.briankrice.com



Brian K. Rice, www.briankrice.com 2/22/22 AL Ethics Commission Complaint City of Birmingham 10

Governor Ivey when Governor Ivey did not prepare the false Birmingham documents signed by Woodfin and sent to her originally on March 6th 2018. The intentional violations of Alabama Ethics Law are shown throughout this letter, supporting documents and through this formal complaint.

Ensley False Scoring Chart

City Scoring Chart sent to the Governor shows that Ensley has "0" City Assets and "1" Brownfield Site
 See next 3 slides for details regarding city assets and brownfield sites prepared by the City

Table 1: Community & Economic Development Assets Located in Birmingham by Zip Code and Prioritization of Zip Codes*

Zip Codes	Brownfield Sites	City Assets	Co-Working Spaces	Commercial District	Education Institution	Foreign Trade Zones	Incubator/Accelerator	Transit Nodes	Overall Ranking
35233	21		2	2	1	1		1	88
35203	11		2	2				3	68
35222	10			1			3	1	51
35204	4	6							36
35212	2	1	2	1		2			25
35205	2	1		2			1		22
35217	2	3				1			16
35234	5								15
35213	1	2			1				13
35218	1	1		1			1		12
35211	1	1			1				12
35206	2			1					10
35214	2	1				1			10
35209	3								9
35254					1				6
35229					1				6
35210	2								6
35208				1				1	6
35207	2								6
35064	1					1			6
35020							1		3
35224		1							3
35294									NO ELIGIBLE TRACTS
35244									NO ELIGIBLE TRACTS
35242									NO ELIGIBLE TRACTS
35223									NO ELIGIBLE TRACTS

*FORMULA: (BROWNFIELD SITES)*5+(CITY ASSETS)*3+(CO-WORKING SPACES)*1+(COMMERCIAL DISTRICT)*3+(EDUCATION INSTITUTION)*1+(FOREIGN TRADE ZONES)*1+(INCUBATOR & ACCELERATOR)*1+(TRANSIT NODE)*1

*** All city assets for Ensley were omitted by the City of Birmingham under Carpenter in the scoring system calculation for Ensley



8 properties purchased by Brian K. Rice in 2018 are highlighted within circles / ovals in above picture. 5 City of Birmingham Commercial Assets are highlighted by red lines shown in excluded Ensley commercial district. Opportunity zone stops at the entrance of Downtown Ensley commercial district where residential transitions to commercial to the far right of above picture.

“Material” Brownfield Sites omitted in Downtown Ensley scoring chart at the time of Federal Opportunity Zone submission caused the excluded low ranking for Downtown Ensley.

****Downtown Ensley used to be home to the largest employer in the state U.S. Steel (T.C.I.) and the associated 3rd party manufacturing facilities near the site are all omitted as brownfield sites. Most buildings in Downtown Ensley were built between 120 to 90 years ago when hazardous building materials of asbestos and lead were commonly used. If accuracy is reported with **City Assets** alone, Downtown Ensley would have been high enough to include. If just a few of the “potentially hazardous” 30 or more brownfield sites are recognized then Downtown Ensley is ranked #1 and #2 on the High Priority list versus being excluded at a ranking of #30 and #31. It was not a “clerical error” that I and others were redlined out of economic resources specifically designed for distressed areas like Downtown Ensley.

PRATT + ENSLEY COMMUNITIES

BROWNFIELDS INVENTORY

The City Scoring Chart omitted known Brownfield sites in Downtown Ensley.

The attached inventory was created by the Birmingham Regional Planning Commission in 2016 which was used to prepare the City of Birmingham Framework plan for Pratt and Ensley communities. Even this document doesn't account for abandoned gas stations and other brownfield sites in Ensley which I accounted for in my brownfield calculation for Ensley

CITY SURPLUS ASSETS LIST SENT TO THE PLAINTIFF ON 4/23/19 FROM J. HILLIARD. ALL ARE OMITTED

1/19/24, 1:54 PM

Yahoo Mail - Fwd: COB Birmingham Surplus property list

Fwd: COB Birmingham Surplus property list

From: Hilliard, John (john.hilliard@birminghamal.gov)

To: 7777treeoflife@gmail.com; consultingsolutions@ironcurrencysolutions.com; brice@briankrice.com

Date: Tuesday, April 23, 2019 at 10:34 PM CDT

We've been trying to get a comprehensive list off all of the City's available incentives, but have met resistance. Please find the attached surplus property list.

Thank you,

John Hilliard
City Council
District 9
Chair of Economic Development
Office: 205 254 2302
John.Hilliard@birminghamal.gov
www.birminghamalcitycouncil.org

From: Woodfin, Randall L.

Sent: Friday, February 22, 2019 4:04:28 PM

To: Parker, William A.; Alexander, Wardine; Abbott, Valerie A.; Hoyt, Steven W.; Hilliard, John; Williams, Hunter; O'Quinn, Darrell; Smitherman, Crystal N.; Woods, Clinton P.

Cc: Kidd, Cheryl; McDaniels, Jeffery L.; Sparks, Cedric D.; Moore, Kevin W.; Hilliard Jr, Earl; Datcher, Kelvin

Subject: COB Birmingham Surplus property list

Councilors,
attached is COB surplus property listing. It has been filtered to only show properties that fall within Business, Commercial, Industrial, Light Industrial, and Mixed-Use zoning classifications. Please know that the attached list is a work in progress. List also includes district breakdown.

Randall

Row	Address	City	State	Zip	County	Parcel ID	Assessor's Description	Legal Description	Owner	Assessor's Description	Legal Description	Owner
55	011300320000010075	1320 VILLAGE SQUARE DR	BIRMINGHAM	AL	35202	011300320000010075	CITY OF BIRMINGHAM	1320 VILLAGE SQUARE DR	BIRMINGHAM CITY OF	35202	011300320000010075	CITY OF BIRMINGHAM
56	011300143000070013	1325 VILLAGE SQUARE DR	BIRMINGHAM	AL	35202	011300143000070013	BIRMINGHAM CITY OF	1325 VILLAGE SQUARE DR	BIRMINGHAM CITY OF	35202	011300143000070013	BIRMINGHAM CITY OF
57	011300320000010074	1960 WINFORD RD	BIRMINGHAM	AL	35202	011300320000010074	BIRMINGHAM CITY OF	1960 WINFORD RD	BIRMINGHAM CITY OF	35202	011300320000010074	BIRMINGHAM CITY OF
58	011300154000010070	3943 PINSON VALLEY PKWY	BIRMINGHAM	AL	35202	011300154000010070	BIRMINGHAM CITY OF	3943 PINSON VALLEY PKWY	BIRMINGHAM CITY OF	35202	011300154000010070	BIRMINGHAM CITY OF
59	011300221000001016	3945 PINSON VALLEY PKWY	BIRMINGHAM	AL	35202	011300221000001016	BIRMINGHAM CITY OF	3945 PINSON VALLEY PKWY	BIRMINGHAM CITY OF	35202	011300221000001016	BIRMINGHAM CITY OF
60	011300221000001020	1700 AVENUE C	BIRMINGHAM	AL	35202	011300221000001020	BIRMINGHAM CITY OF	1700 AVENUE C	BIRMINGHAM CITY OF	35202	011300221000001020	BIRMINGHAM CITY OF
61	012200313012001000	1819 AVENUE C	BIRMINGHAM	AL	35202	012200313012001000	BIRMINGHAM CITY OF	1819 AVENUE C	BIRMINGHAM CITY OF	35202	012200313012001000	BIRMINGHAM CITY OF
62	012200313029003000	1921 AVENUE C	BIRMINGHAM	AL	35202	012200313029003000	BIRMINGHAM CITY OF	1921 AVENUE C	BIRMINGHAM CITY OF	35202	012200313029003000	BIRMINGHAM CITY OF
63	012200313028002000	1927 AVENUE D	BIRMINGHAM	AL	35202	012200313028002000	BIRMINGHAM CITY OF	1927 AVENUE D	BIRMINGHAM CITY OF	35202	012200313028002000	BIRMINGHAM CITY OF
64	012200313015009000	310 19TH ST	BIRMINGHAM	AL	35202	012200313015009000	BIRMINGHAM CITY OF	310 19TH ST	BIRMINGHAM CITY OF	35202	012200313015009000	BIRMINGHAM CITY OF
65	012200313029007000	321 19TH ST	BIRMINGHAM	AL	35202	012200313029007000	BIRMINGHAM CITY OF	321 19TH ST	BIRMINGHAM CITY OF	35202	012200313029007000	BIRMINGHAM CITY OF
66	012200313028001000	401 19TH ST	BIRMINGHAM	AL	35202	012200313028001000	BIRMINGHAM CITY OF	401 19TH ST	BIRMINGHAM CITY OF	35202	012200313028001000	BIRMINGHAM CITY OF
67	012200313017002000	1705 AVENUE C	BIRMINGHAM	AL	35202	012200313017002000	BIRMINGHAM CITY OF	1705 AVENUE C	BIRMINGHAM CITY OF	35202	012200313017002000	BIRMINGHAM CITY OF
68	012200313013001000	1709 AVENUE C	BIRMINGHAM	AL	35202	012200313013001000	BIRMINGHAM CITY OF	1709 AVENUE C	BIRMINGHAM CITY OF	35202	012200313013001000	BIRMINGHAM CITY OF
69	012200313013002000	1721 AVENUE C	BIRMINGHAM	AL	35202	012200313013002000	BIRMINGHAM CITY OF	1721 AVENUE C	BIRMINGHAM CITY OF	35202	012200313013002000	BIRMINGHAM CITY OF
70	012200313018005000	1810 AVENUE G	BIRMINGHAM	AL	35202	012200313018005000	BIRMINGHAM CITY OF	1810 AVENUE G	BIRMINGHAM CITY OF	35202	012200313018005000	BIRMINGHAM CITY OF
71	012200313022002000	2004 AVENUE J	BIRMINGHAM	AL	35202	012200313022002000	BIRMINGHAM CITY OF	2004 AVENUE J	BIRMINGHAM CITY OF	35202	012200313022002000	BIRMINGHAM CITY OF
72	01210064014009000	2502 AVENUE B	BIRMINGHAM	AL	35202	01210064014009000	BIRMINGHAM CITY OF	2502 AVENUE B	BIRMINGHAM CITY OF	35202	01210064014009000	BIRMINGHAM CITY OF
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74	01210064014009000	3521 AVENUE E	BIRMINGHAM	AL	35202	01210064014009000	BIRMINGHAM CITY OF	3521 AVENUE E	BIRMINGHAM CITY OF	35202	01210064014009000	BIRMINGHAM CITY OF
75	012900353020001000	2122 WARR OR RD	BIRMINGHAM	AL	35202	012900353020001000	BIRMINGHAM CITY OF	2122 WARR OR RD	BIRMINGHAM CITY OF	35202	012900353020001000	BIRMINGHAM CITY OF
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77	012200313012001000	1718 5TH ST N	BIRMINGHAM	AL	35202	012200313012001000	BIRMINGHAM CITY OF	1718 5TH ST N	BIRMINGHAM CITY OF	35202	012200313012001000	BIRMINGHAM CITY OF
78	012200313012001000	1718 5TH ST N	BIRMINGHAM	AL	35202	012200313012001000	BIRMINGHAM CITY OF	1718 5TH ST N	BIRMINGHAM CITY OF	35202	012200313012001000	BIRMINGHAM CITY OF
79	012200313012001000	1718 5TH ST N	BIRMINGHAM	AL	35202	012200313012001000	BIRMINGHAM CITY OF	1718 5TH ST N	BIRMINGHAM CITY OF	35202	012200313012001000	BIRMINGHAM CITY OF
80	012200313012001000	1718 5TH ST N	BIRMINGHAM	AL	35202	012200313012001000	BIRMINGHAM CITY OF	1718 5TH ST N	BIRMINGHAM CITY OF	35202	012200313012001000	BIRMINGHAM CITY OF
81	012200313012001000	1718 5TH ST N	BIRMINGHAM	AL	35202	012200313012001000	BIRMINGHAM CITY OF	1718 5TH ST N	BIRMINGHAM CITY OF	35202	012200313012001000	BIRMINGHAM CITY OF

PATTERNS OF OFFICIAL MISCONDUCT SENT TO BOTH ETHICS COMMISSION AND THE FBI



Birmingham Promise

2/22/22 Ethics Complaint also confirmed revolving door and election scheme violations with 501c3 Birmingham Promise created inside City Hall at the City of Birmingham under the Mayor, Economic Development Director, Economic Development Employee



BHM Promise Part 1: 501c3, Ethics, Campaign Violations

To Birmingham citizens and to city, county, state, federal officials and employees, **if our economic development leaders are planning out personal gain and campaign schemes with public dollars through education schemes and local leaders are turning a blind eye to open corruption then who is putting the citizens first and planning out the economic development needs of underserved businesses and business districts in Birmingham?** We need state and federal oversight in Birmingham immediately as no one at the city will stand up to the open corruption even when City of Birmingham ordinance 2-4-3 state every contract, express or implied, hereafter made in violation of any of the provisions of or contained in section 2-4-2 shall be absolutely void and of no effect. Brian K. Rice

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 BHM Promise and Prosper BHM violations

City of Birmingham Ordinance 2-4-3 Every contract, express or implied, hereafter made in violation of any of the provisions of or contained in section 2-4-2 shall be absolutely void and of no effect.

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 Woodfin and Carpenter setup public private partnership with Brookings while Harmon still works in City Economic Development Department (IEO) Brookings pic below is 12/5/18 with initiative to create **Prosper BHM** and funding source for **BHM Promise**



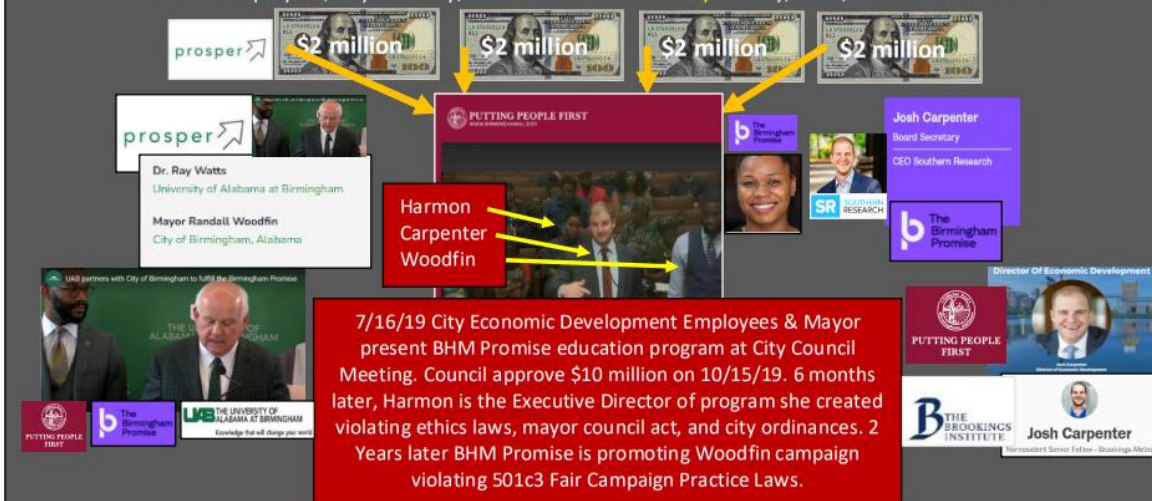
2 UAB President Watts make UAB 1st university to partner with BHM Promise 1/29/20. Carpenter who was the recent UAB former Director of External Affairs under Watts and now City Economic Development Director is responsible for the creation of BHM Promise with Harmon all under Woodfin



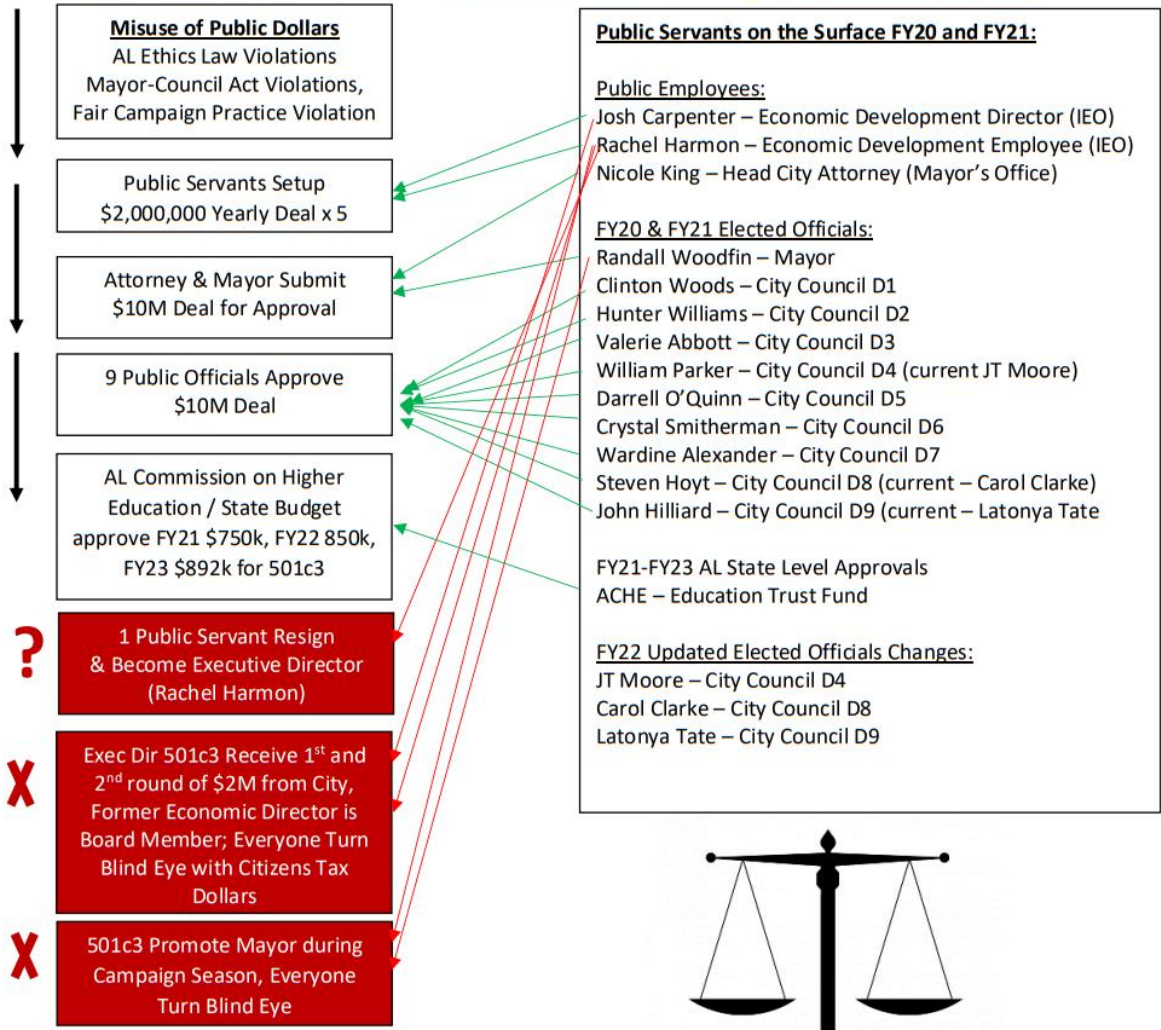
3 Carpenter work for Brookings Institute as a Sr Non Resident Fellow violating **36-25-5, 36-25-13 and Mayor Council Act.**



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.



(This document was sent to the Attorney General and AL Ethics Commission April 2022 joining 2/22/22 200+ pages of evidence) AL Ethics Commission or the Department of Justice, we need help in the City of Birmingham as 10 of 10 City Elected Officials and associated Public Employees approve the spending of Public Tax Dollars and the same Public Servants **turn blind eye** on Ethics Violations associated with Personal Gain with the misuse of millions of Public Tax Dollars with Birmingham Promise



No elected officials, attorneys, associated employees will speak up as it is normal in Birmingham to operate out of a "partial" and not an "impartial" government and we need AL Ethics Commission or the Department of Justice to help us here. Misuse of public dollars for private gain is normal here.

UAB and Southern Research “Revolving Doors” #1

October 12th 2020, City Economic Strategic Plan is completed and uploaded on City Website 1 month before Carpenter resign

1. This direct evidence of what Carpenter SRI President/ CEO was planning while still employed at City Hall and what the City approved violated revolving doors ethics law and many other laws:
2. Link to pdf file, last modified 10/12/2020; https://www.birminghamal.gov/wp-content/uploads/2020/10/IEO-Strategic-Plan_2018-to-2021.pdf

City Document uploaded 1 month before Carpenter left City Hall, in 10/12/20

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 catalyze commercialization of research and leverage it to recruit and retain innovative companies.

C5. Pursue extramural research funding and partnerships to attract more investment.

STRATEGIC PLAN EO_9

PUTTING PEOPLE FIRST

DEPARTMENT OF INNOVATION AND ECONOMIC OPPORTUNITY: CLUSTER STRATEGY 2018-2021

INCLUSIVE ECONOMIC DEVELOPMENT

CLUSTER STRATEGY

FOCUS AREAS

Information Technology, Logistics, Precision Population Health, Growing Tradeable Sector Jobs, Neighborhood Investment & Small Business Growth

OBJECTIVES

Carpenter boldly write himself into his own development plans and approvals from the City of Birmingham. Carpenter misused the trust of citizens of Birmingham for private at UAB and SRI violating state and federal laws.

Southern Research
 November 18, 2021

We're happy to share our plans to build a new cutting-edge biotech center at our campus on Birmingham's Southside! The new facility will mean new jobs for Birmingham and added to expand our impactful work on infectious diseases like COVID-19.

SOUTHERNRESEARCH.ORG
 Southern Research announces plans for new biotech building - Southern Research

22
 5 Comments 3 Shares





Everyone so far has turned a blind eye so were they participants or they just didn't know City Ordinances, Mayor Council Act, Ethics Laws, State Laws and Federal Laws were being violated where a public employee entrusted with the highest city economic position was allowed to create tailor made city economic plans for himself, UAB, and SRI and walk back in city hall and secure all approvals.

(1) Open Public Corruption involving Governor Ivey, Mayor Woodfin, City of Economic Director, UAB, SRI regarding Federal Program Fraud and local leaders turn a blind eye



Just imagine, Birmingham's largest employer which happen to the State of Alabama largest employer who is also one of the largest real property owners in the city and the institution is allowed to have one of their highest officials placed over the highest position of economic development for all citizens and companies in Birmingham and that official was allowed to create tailor made economic plans for his already established economic interest and at the exact same time fraudulently exclude federal resources from smaller business districts and all city leaders turn a blind eye. Insider dealing is bad but what is worse is everyone turned a blind eye to undeniable "false report to influence legislation" where 1 abused his position for financial gain and at the same provided false information causing more structural disadvantages for the underserved. 10 of 10 City of Birmingham elected officials are affected as all turned a blind eye when they had a duty to report local, state and federal violations

Carpenter was working under the office of UAB President Ray Watts (and Chairman of SRI board) as the UAB Director of External Affairs when this document was being created but submitted 3/6/2018 when he was employed at the City over the highest economic position under Woodfin. UAB is also a public institution that fall under the same ethics laws as the city of Birmingham so there were immediate violations associated with personal gain where Carpenter continued to be employed at UAB for several more years while working as city director. Carpenter left City Hall after all surrounding development plans were implemented. Behind Southern Research on the adjacent block, the Building Trades Development benefitted from known opportunity zone “false report” sent to Governor Ivey to influence legislation. Adjacent to Southern Research on the eastern side is the Southtown Development that benefits from the known opportunity zone “false letter” sent to the Governor. UAB adjacent student housing and apartments benefitted from the known false opportunity zone letter sent to Governor Kay Ivey. The Marshall \$55 Million development and the 20 Midtown \$110 million developments are just 2 of several developments that benefitted from Woodfin and Carpenter false reports and signed letter sent to falsely influence legislation for private development for student housing adjacent to UAB medical district. 7 months before Carpenter leave City Hall, UAB purchase \$10.9 million property for Southern Research adjacent developments. Carpenter prepare City strategic plan to include biotech site development and Carpenter resign and go work for biotech research institution and benefit from his actions immediately violated 36-25-5 and 36-25-13 and other laws. Woodfin is the City governmental agency head who move at the will of UAB and it is proven over and over throughout this document. Below are just some of the developments that sped up or just benefitted from the false report. It is always nice to have 100% capital gain write offs as additional incentives to invest in areas “struggling economically” adjacent to the largest employer in the state, largest funded University in the state, where students can easily pay for luxury student housing with federal financial aid when there is already several years straight of record student enrollment. Carpenter plans served his known economic interest and local public officials, and attorneys turn a blind eye.

UAB OFF-CAMPUS STUDENT AND FAMILY ENGAGEMENT | Housing | Roommates | Resources

Campus or Location | Price | Pricing Type | Beds & Baths

10 Student Apartments for Rent Near UAB

SR SOUTHERN RESEARCH

UAB University of Alabama at Birmingham

New UAB Student Housing that benefitted developers from Woodfin and Carpenter Federal Opportunity Zone False Letter that was signed and sent to Governor Ivey to influence legislation: violating AL Ethics Law Section 36-25-26 False Reports to Influence Legislation

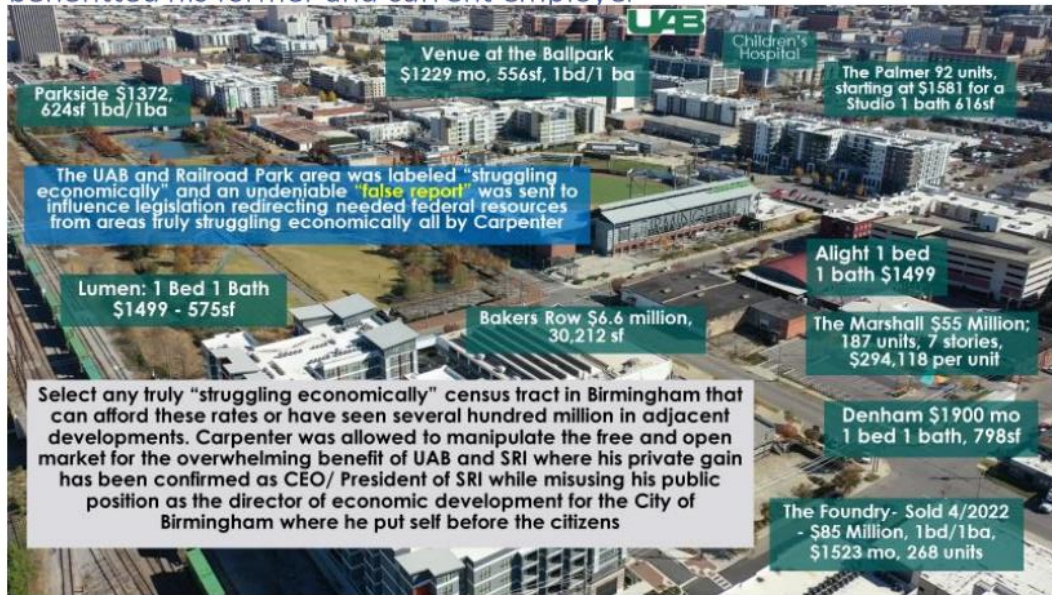
Southern Research Campus (Carpenter/CEO)
Apartments completed or under construction since FOZ approval

1. Ascend
2. The Palmer
3. The Marshall
4. Lumen in Birmingham
5. Lumen Above Railroad Park
6. Foundry Yards
7. Alight

Some Additional FOZ Developments:

8. Denham Building
9. Building Trades Tower
10. Southtown Development
11. 20 Midtown development

Turning a blind eye to the UAB Director of External Affairs assuming the City Economic Director position and all the associated plans that benefitted his former and current employer



City Councilman Darrell O'Quinn knew in 2020 that it wasn't right but just asking a question is not helping the situation. Every city council has the ability to investigate any departments at the city of Birmingham especially when fraud may be at play where citizen tax dollars are affected. I honestly still believe in O'Quinn but what I see is a pattern where city leaders have become lax several years. I strongly recommend that the City council secure their own attorney separate from close friends and associates hired for the mayor's office to protect the citizens by having a second non-biased eye.

