

BROWNSVILLE The Herald

WEDNESDAY, AUGUST 22, 2012

BORN ON THE FOURTH OF JULY 1892

75 CENTS



SWEET MUSIC

The Lopez High School Band has again advanced to the final round of the Texas Music Educators Association State Honor Band competition.

► PAGE C1

LOCAL



CLEANING FOR A CAUSE

A group of young volunteers washed cars at a business on International Boulevard in an effort to help a local family raise money to recover from a recent home fire.

► PAGE A14

LOCAL

TSC BOARD MEETING

Taxpayers won't see an increase in the tax rate they pay for the TSC district, trustees said.

► PAGE A2

OBITUARIES

Glenda L. Akins
Armando Torres
Luis Rodriguez Jr.

► PAGE A6

MOST VIEWED ON THE WEB

SETTLEMENT

A potential settlement with two former top administrators in the Brownsville Independent School District was on Tuesday's Board of Trustees agenda.

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AIM Vol. 121 | No. 50

Good Morning!
Thank you for reading today's edition of The Brownsville Herald



BISD SETTLES

District to pay \$1.5 million, rehire two men

BY GARY LONG
THE BROWNSVILLE HERALD

The Brownsville Independent School District on Tuesday settled lawsuits against it by two former top administrators, agreeing to pay a com-

bined \$1.5 million in damages and to rehire the two men to high-paying jobs.

By a 4-1-2 vote the Board of Trustees settled lawsuits with former Superintendent Hector Gonzales and former Chief Financial Officer

Antonio Juarez. Trustees Enrique Escobedo, Catalina Presas-Garcia, Luci Longoria and Christina Saavedra voted for the settlement. Minerva Peña voted against, and Joe Colunga and Rolando Aguilar

abstained. Gonzales received a settlement of \$800,000, the majority of which will be paid by the district's employment practices liability insurer.

PLEASE SEE DISTRICT, A9



GONZALES

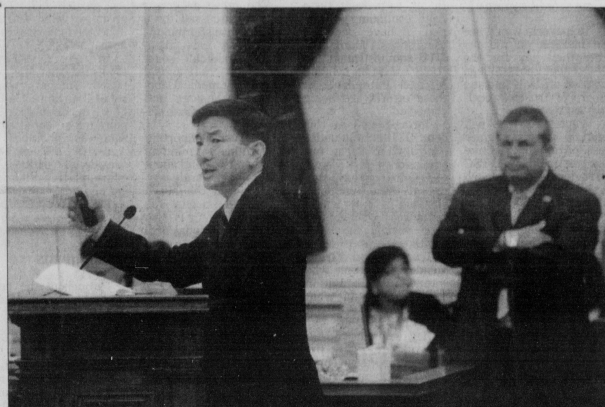


JUAREZ

PUBLIC HEALTH

Smoke Risks

Commissioners hear from health expert



YVETTE VELA/THE BROWNSVILLE HERALD

Philip Huang, M.D., who serves as medical director and health authority for the Austin/Travis County Health Department, gives Brownsville City Commission and others in attendance a brief presentation on the effects of secondhand smoke Tuesday.

BY LAURA B. MARTINEZ
THE BROWNSVILLE HERALD

The Brownsville City Commission on Tuesday heard from an expert who talked about the effects secondhand smoke can have on public health.

Philip Huang, M.D., who serves as medical director and health authority for the Austin/Travis County Health Department, said secondhand smoke is recognized as a major health hazard, contains over 7,000 chemicals and is in the same classification as asbestos and benzene.

Huang's remarks came during the "Mayor's Report" at the

City Commission. It was merely a presentation, so no one was allowed to ask questions as he spoke.

Mayor Tony Martinez said he invited Huang to speak but that in no way was an indication whether he is for or against a revised smoking ban in Brownsville.

"This is no endorsement. ... I thought it would be useful information," Martinez said.

Huang said secondhand smoke leads to diseases such as lung cancer and heart disease in adults, and in babies can even lead to sudden infant death syndrome.

"Even short-term exposure to secondhand smoke can result

in upper airway changes in healthy persons and lead to more frequent asthma attacks in asthmatic children," he said.

The City Commission is considering expanding its current smoking ban to virtually prohibit smoking in public places including bars and sports arenas.

The revised ordinance passed on a first reading earlier this summer. A vote was tabled earlier this month in order for the City Commission to get more input from the public. A public workshop on the revised smoking ban ordinance is tentatively scheduled for some time in October.

PLEASE SEE SMOKE, A8

Women charged in sexual assault

BY MARK REAGAN
THE BROWNSVILLE HERALD

Three women have been charged with assaulting — and sexually assaulting — another woman.

Cameron County Sheriff Omar Lucio said

at a press conference Tuesday that deputies last week arrested Crystal Martinez and Alicia Martinez in the case, which involves an attack that allegedly occurred Aug. 9.

Those two suspects have each been released on \$45,000 bond after being charged with aggravated assault and aggravated sexual assault.

The third woman, Tina Marie Trevino, surrendered to authorities Sunday, was charged with the same crimes and was still in jail Tuesday afternoon in lieu of \$45,000 bail. Lucio said Trevino admitted to the assault but stated she didn't take part in the sexual assault.

PLEASE SEE ASSAULT, A9



TINA MARIE TREVINO



ALICIA MARTINEZ



CRYSTAL MARTINEZ

Abby	B6	Classified	C5	Editorial	A10	Sports	B1
Amusements	B6	Comics	B5	Education	C1	TV Listings	B7
Calendar	C2	Community	C2	Horoscope	B6		

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RIO GRANDE VALLEY

DISTRICT

FROM PAGE A1

In addition, Gonzales will be engaged as a consultant for \$144,000 per year for two years.

Juarez received a settlement of \$700,000 to be split equally between BISD and its insurers. He will be hired under a two-year contract at an annual amount of \$154,106 inclusive of salary, benefits and insurance.

"The positions are working positions subject to termination for non-performance. The payments include attorney's fees," BISD said in a statement.

"The board took this action to avoid costly litigation that had a significant potential for damages and attorney's fees far in excess of the settlement," the statement said, adding that BISD took the action in consultation with its employment practices liability insurer and lawyers representing the district.

"The board did not want to risk large jury verdicts and judgments, which would have to be paid from district funds," the statement said.

"Rather it chose to pay a potentially much smaller amount from district funds. The potentially larger amount of several million dollars would have severely hampered BISD's abilities to deliver its quality educational services to the students of Brownsville. The settlement monies paid by BISD will have an impact but not at the disastrous level a jury and court

could have awarded."

BISD fired Gonzales in September 2009, adopting the recommendation of independent Texas Education Agency hearing examiner Victoria Guerra, who heard the case against him.

Gonzales appealed but TEA upheld the decision. After his appeals were rejected, Gonzales filed a lawsuit against BISD, which has been working its way through the courts.

The case involving Juarez concerns a lawsuit he filed in January 2009 claiming that board members sought to coerce his participation in manipulating BISD's stop-loss insurance contract. Instead he went to the FBI, according to the suit. Most of the case has been dismissed, but a trial was pending to determine

whether the nonrenewal of Juarez's employment contract was retaliation for going to the FBI.

BISD counsel Arturo Michel said there were significant factual issues in both cases.

"The courts determined that there was a factual dispute, likely to be considered by the jury, of a conspiracy by trustees, former trustees and employees to take action outside legally required methods to terminate or nonrenew the employment of Mr. Gonzales and Mr. Juarez," the statement says. "If the jury believed the plaintiff's evidence, then it could have determined that trustees did not simply make the wrong employment decision but in fact acted illegally in a conspiracy to violate constitutional

rights.

"The potential damages a jury could award under this scenario was the motivation for settling and for the insurer readily tendering the limits of its liability policy," the statement says.

Significantly, U.S. District Judge Andrew Hanen and the Fifth Circuit Court of Appeals ruled that the court could not grant qualified immunity to the four BISD trustees in the case before the trial began, that such immunity would have to be granted at trial, Michel said.

Qualified immunity protects government officials from prosecution for acts committed in the process of performing their duties. The settlement protects the

trustees from individual liability, Michel said.

The settlement terms dismiss all claims and lawsuits in exchange for the payments to Gonzales and Juarez.

Michel said that BISD is disputing its insurers grouping the two lawsuits in the same policy year with a lawsuit by former Special Services Administrator Art Rendon. BISD last year settled that suit for \$300,000 and rein-

stated Rendon to a position as administrator of BISD's transportation department.

"The insurance companies assert that the claims are related, including the same type of alleged illegal conduct. BISD is disputing the insurers' position that only one policy coverage year applies," the statement says.

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ASSAULT

FROM PAGE A1

The sheriff said the victim initially told authorities she had been kidnapped by her ex-boyfriend but later said that was not true.

Lucio said she might be charged with providing false information to law enforcement.

"This female said she had been kidnapped while filling up gas in Port Isabel," Lucio said. "She said she was kidnapped and brought to Brownsville. She hadn't actually been kidnapped. Apparently, she had come with her boyfriend and ... they had sexual contact, which was probably consensual, as far as that goes."

Court documents say the alleged assault began at Club Red in Brownsville. The victim was at the club with her boyfriend when Crystal Martinez and Tina Marie Trevino confronted her, pushing her several times, the documents say.

The victim left with her boyfriend and another man, going to an apartment complex at 3030 Rene, according to court documents. At that location, she was confronted by Crystal Martinez, who accused the victim of stealing her boyfriend, and by Alicia Martinez, the documents say.

The three suspects are accused of assaulting the victim at that location.

According to court documents, the victim was then dragged to a nearby tree and was sexually assaulted.

The activity was interrupted by a gunshot that caused the attackers to scatter, according to court documents; no more information was given about the gunshot.

Lucio said the victim states she didn't report the assault immediately because she was in pain. She was examined at a hospital and signs of sexual trauma were identified, the sheriff said.

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BROWNSVILLE INDEPENDENT SCHOOL DISTRICT

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Transportation News

Letters about school bus stops and bus assignments are being mailed to the homes of eligible students on Monday, August 20. If your address has changed or you do not receive a letter, contact your child's school.

Students enrolled in high school magnet programs or the Brownsville Early College High School (BECHS) will be picked up and returned to their zoned high schools. This is a safety precaution to ensure students wait in a safe environment with access to BISD buildings, administrators and security officers. Brownsville Learning Academy (BLA) and Lincoln Park school students will receive school bus information once they are registered.

To improve efficiency, transportation services have been arranged by clusters. Contact the following BISD transportation employees with questions:

Hanna/Rivera Cluster Schools	Claudia Espinoza	698-2357
Pace/Veterans Cluster Schools	Cristina Castro	698-0274
Porter Cluster Schools	Sandra Peña	698-2926
Lopez Cluster Schools	Trisha Serrato	698-2927

Art Rendon, Transportation Administrator @ 698-0928 or the Transportation Supervisors: Noe Guerrero @ 698-0272; Al Barbosa @ 698-0023 or 698-2927; Ana Lerma @ 698-0186.

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