



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 21, 2014

Ms. Susan Fillion
Legal Department
Harris County Sheriff's Office
1200 Baker Street
Houston, Texas 77002

Dear Ms. Fillion:

The Office of the Attorney General received a complaint from Mr. Bill Kenny (the "requestor") alleging that the Harris County Sheriff's Office (the "sheriff's office") failed to release information in accordance with Open Records Letter No. 2014-02372 (2014). The complaint was assigned ID# 521431.

By letter dated March 26, 2014, we notified you of the requestor's complaint and sought your response. By letter dated April 11, 2014, you informed us that the sheriff's office "has made available to the requestor, all existing responsive information." The enclosed email from the requestor alleges the sheriff's office has not fully responded to his request for information and enumerates certain items of information the requestor believes should have been provided in response to his request.

In order to resolve this matter, please provide a written response to the allegations in the enclosed email within five business days of the date you receive this letter. You may fax your written response to the Education and Enforcement Section at (512) 481-1992. Thank you for your prompt attention to this matter.

Sincerely,

Karen Hattaway
Assistant Attorney General
Education and Enforcement Section
Open Records Division

KEH/sh

Ref: ID# 521431

Enclosure

c: Mr. Bill Kenny
19406 Gooselake Lane
Houston, Texas 77084
(w/o enclosure)

There will be follow up so please inform me when HC certifies they have provided all data for my open records request (attached).

Thank you for your time,

Bill Kenny
713-280-5152
BillKenny@FryRoad.com

From: Hattaway, Karen [<mailto:karen.hattaway@texasattorneygeneral.gov>]
Sent: Friday, April 11, 2014 10:50 AM
To: Bill Kenny
Subject: RE: ID#521431

Mr. Kenny,

The last time we spoke I did not realize you had emailed Tamara Strain on March 5. Your email to Ms. Strain states you paid for and received documents for ID# 513277 (Open Records Letter No. 2014-02372). The complaint I have is that you had not received that information in February. I have a call in to Susan Fillion for a status update. However, I am not clear about what information it is that you have not received from Harris County for ID# 513277. Please clarify.

Sincerely,

Karen Hattaway
Assistant Attorney General
Open Records Division
Office of the Attorney General

From: Bill Kenny [<mailto:BillKenny@FryRoad.com>]
Sent: Friday, April 11, 2014 9:54 AM
To: Hattaway, Karen
Subject: ID#521431

Good morning,

During our last conversation on Tuesday April 1, you were in the process of following up with Harris County on my open records request filed 5 months ago. It's been another 10 days since our conversation and I have not heard from you or HC.

Please advise.

Thank you for your time,

Bill Kenny
713-280-5152
BillKenny@FryRoad.com

SHERIFF ADRIAN GARCIA



Internal Affairs Division Complaint Form

IAD Case #: 12-0081-0305

NATURE / LOCATION / TIME

Nature of Complaint: Violation of Policy

Location of Offense: 2111 Blindlake Drive Houston, TX 77084

Date and Time Occurred: 02/14/12-7:04 PM

Complainant's Information

Complainant's Name: William Kenny

DOB: [REDACTED]

Race: White

Sex: Male

Address: 19406 Gooselake Lane Houston, TX 77084

Spn:

Home Phone:

Alternate Phone:

Complainant Arrested: Yes No

Tapes made: Yes No

Affidavits Taken: Yes No

Accused Employee

Name: Benjamin Luce

Rank/Pid: Deputy/121838

Assignment: District IV

Bureau Commander: Major Silvio

Name:

Rank/Pid:

Assignment:

Bureau Commander:

Name:

Rank/Pid:

Assignment:

Bureau Commander:

Witnesses

Name: Lisa Kenny

Address: 2111 Blindlake

Home Phone: [REDACTED]

Bus. Phone:

Name:

Address:

Home Phone:

Bus. Phone:

Office Information

Rec'd By: Sergeant Herndon

Date: 03/09/2012

Time: 9:40 AM

Method: walk-in

Signature: [Signature]

Investigator Assigned: SGT. J. HERNDON 3-27-12

IAD Lieutenant (Signature): [Signature]

Office of Inspector General Major's Review

Internal Affairs to Investigate

Bureau to Investigate

Signature: [Signature]

Date: 3-27-12

November 5, 2013

Public Information Act Request
Attention: Ms. Rosa Ming
Harris County Sheriff's Office
1200 Baker
HOUSTON TX 77002

Good morning, Rosa Ming,

I'm requesting all complaints and disciplinary actions for the county employees listed below. These good intended misguided individuals were involved with framing me for a crime I did not commit by covering-up their illegal actions and the crimes of others.

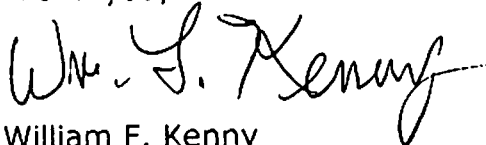
Deputy Ben Luce	Deputy Mike Alvarez	Deputy Chad King
Sgt/Lt J. Herndon	Sgt. K. Thomas	Sgt. Lofton Harrison
Lt. B. Pair	Maj. Silvio	Capt. Joe Hughes
Sgt. Weinel	Employee who signed the attached IAD Complaint Form.	

The above employees were involved with IAD Case # 12-0081-0305 and/or police report HC12-21366.

I'm sorry this situation requires your time and energy.

Please do not hesitate to contact me if you have any questions.

Thank you,



William F. Kenny
19406 Gooselake Lane
Houston, Tx 77084
713-280-5152



Harris County

To: BillKenny@FryRoad.com

Company :
Fax Number : BillKenny@FryRoad.com
Phone Number :

From: HCSOLEGAL1
Fax Number : 713-437-4975
Phone Number :

Time Sent : Thursday, February 20, 2014 01:36PM
Pages : 2
Description: Your Texas Public Information Act request received on
November 5, 2013

MESSAGES:

Please see attached a copy of the estimate letter
pertaining to your above-mentioned open records request.

Thanks,

The Harris County Sheriff's Office

February 20, 2014

Mr. William Kenny
19406 Gooselake Lane
Houston, Texas 77084
Sent Via Email to: BillKenny@FrvRoad.com

Dear Mr. Kenny:

We have received your request for information dated: 11/05/2013.

We have determined that complying with your request will result in the imposition of a charge that exceeds \$40. Therefore, we are providing you with this cost estimate as required by section 552.2615 of the Texas Government Code.

Itemized List of Charges:

Description	Qty x Price	Total
Standard sized copies	210 x \$0.10	\$21.00
Labor minutes (\$15/hour)	60 x \$0.25	\$15.00
Overhead charges	20% of \$15.00	\$3.00
Postage cost		\$5.00
Total cost		\$44.00

There is a less expensive way for you to obtain this information. You may view the information in person at our offices. If you choose to view the information in person, please provide me with three dates and times when it will be convenient for you to come.

Your request will be considered automatically withdrawn if you do not notify us in writing within ten business days from the date of this letter that you either:

1. (a) accept the charges;
2. (b) wish to modify your request; OR
3. (c) have sent to the Open Records Division of the Office of the Attorney General a complaint alleging that you are being overcharged for the information you have requested.

Sincerely,

Claudia Gallardo
Office of Legal Services

Hattaway, Karen

From: Bill Kenny <BillKenny@FryRoad.com>
Sent: Monday, May 05, 2014 1:39 PM
To: Hattaway, Karen
Subject: FW: ID#513277
Attachments: HCSOCostEstIADEmployeeCaseHistory.tif; HCSO-IAD-ComplaintForm.pdf; HCSORequestComplaints11Employees.pdf
Categories: Follow-up

Good afternoon, Karen Hattaway:

I requested all complaints and discipline records for these HC individuals:

- 1.) Deputy Ben Luce
- 2.) Deputy Mike Alvarez
- 3.) Deputy Chad King
- 4.) Sgt/Lt J. Herndon
- 5.) Sgt. K. Thomas
- 6.) Sgt. Lofton Harrison
- 7.) Lt. B. Pair
- 8.) Maj. Silvio
- 9.) Capt. Joe Hughes
- 10.) Sgt. Weinel
- 11.) Employee who signed off on my IAD Complaint Form.

HC provided 4 events that involved 1 incident of 4 employees. It goes against basic logic that HC has satisfied the TXAG ruling with only 4 events from 200+ years of service. These, plus other, HC employees directly or under direction broke the law like it was SOP. I cannot be the only citizen who filed a complaint against these misguided public servants.

TXAG ruling is absolute, not conditional. HC is ordered to release all the data at the time of the ruling. Not interpret TXAG ruling and release only what HC believes is outstanding. Releasing data in the past and not re-releasing the data in the present conceals updates.

Specific items HC did not abide by TXAG rulings:

- 1.) My IAD complaint against Ben Luce - was not received from this ruling.
- 2.) My IAD complaint against Ben Luce - never received the 'Case History Report'.
- 3.) My IAD complaint against Ben Luce - never received the 'Internal Affairs Case Route Procedures'.
- 4.) My IAD complaint against Ben Luce - never received the 'Administrative Disciplinary Committee - Case Review and Recommendations'.
- 5.) The PEWS report I received on Deputy Luce is from Aug. 3, 2011 with hand written 'NONE' instead of printed - where is the current/latest printed report?
- 6.) I received a PEWS History and personnel file for Deputy Luce but nothing from the 10 other requests.
- 7.) I received nothing for my request of all complaints and discipline records 7 of the 11 requests.
- 8.) HC provided no documentation about any complaints or any disciplinary action against Sgt. Thomas. I personally filed a complaint against Sgt. Thomas on Tuesday April 30, 2013 at IAD with Sgt. Rush.

I know HCSO, HCAO, HCDA, & IAD are not immune to misfiling documents intentionally or accidentally. Misfiled documents will not be retrieved on a query. This has happened, HCAO PIA person swore there was no brief filed to challenge the release of the 911 call that TXAG ruled upon.

Any questions or for a better explanation of any of this do not hesitate to contact me.

Thank you for your time.

Bill Kenny
713-280-5152
BillKenny@FryRoad.com

From: Bill Kenny [mailto:BillKenny@FryRoad.com]
Sent: Thursday, April 17, 2014 1:08 PM
To: Karen.Hattaway@texasattorneygeneral.gov
Subject: FW: ID#513277

Good afternoon,

Would you please send your phone number?
Any update from Harris County?
Enjoy Easter weekend.

Thank you,

Bill Kenny
713-280-5152
BillKenny@FryRoad.com

From: Bill Kenny [mailto:BillKenny@FryRoad.com]
Sent: Monday, April 14, 2014 11:08 AM
To: 'Hattaway, Karen'
Subject: RE: ID#513277

Dear Ms. Hattaway,

So sorry for any misunderstanding I'll do my best to prevent it from recurring.

During our conversation I believe I mentioned receiving a packet from HC but that it boiled down to only 4 events for the 11 individuals with a combined estimate of 200 years of service. Also, during our conversation we discussed that TXAG rulings have no teeth as far as imposing penalties for non-compliance with TXAG rulings.

- 1.) Would it be possible to request the certification from Claudia Gallardo the person responsible for acquiring and presenting the data? Susan Fillion has already fallen on the sword in this IAD directed cover-up. Ms. Fillion has a pattern of filing frivolous briefs to protect HC illegal actions from exposure. In order to maintain a cover up you have to include/corrupt more individuals. So, can we request Ms. Claudia Gallardo sign off on this instead of Ms. Fillion?
- 2.) I received 4 events that involved 4 of the 11 individuals. Instead of jumping to conclusions will you please request HC/Claudia Gallardo to provide a 'NO DATA' document for the remaining 7 individuals to insure they were addressed?
- 3.) The 11th HC individual requested is only a signature (attached). I do not know the name of the major who signed off on my IAD complaint form. I would like to know this person's identity.
- 4.) After HC confirms and certifies can I get a copy of that letter *from you*?