

Vince Ryan
Harris County Attorney

April 11, 2014

Attention: Karen Hattaway
Office of Attorney General
Supreme Court Building
P. O. Box 12548
Austin, Texas 78711-2548

Via Email: Karen.Hattaway@texasattorneygeneral.gov

Attention: Education and Enforcement Section
Open Records Division

Re: Public Information complaint from William Kenny; OAG ID #521431.

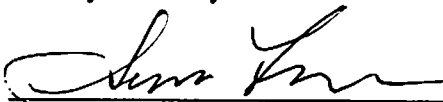
Dear Ms. Strain:

On or about March 26, 2014, the Harris County Sheriff's Office received a letter from the Office of the Attorney General concerning a complaint from Mr. William Kenny. Please be advised that the Harris County Sheriff's Office has made available to the requestor, all existing responsive information that the Harris County Sheriff's Office owns, controls, or has an access to.

If you have any questions, please call me at (713) 755-7169 or (713) 274-5135 or email me at susan_fillion@hctx.net.

Yours very truly,

VINCE RYAN
County Attorney



SUSAN FILLION
Assistant County Attorney



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 26, 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 (the "OAG") has received a complaint from Mr. Bill Kenny alleging that the Harris County Sheriff's Office has failed to release information in accordance with Open Records Letter No. 2014-02372 (2014). The complaint was assigned ID# 521431.

The OAG has civil enforcement authority under the Public Information Act, chapter 552 of the Government Code. Although our office takes that responsibility seriously, we prefer to work with the parties to try and resolve complaints informally if at all possible. Please contact an enforcement attorney with the Education and Enforcement Section of the Open Records Division within five business days at (877) 673-6839 or (512) 936-6736 to discuss the resolution of this situation. If the requested information has been or will be released to the requestor in accordance with Open Records Letter No. 2014-02372, please so indicate by completing the attached certification form. The form may be sent by facsimile to the Education and Enforcement Section at (512) 481-1992.

Thank you for your prompt attention to this matter.

Sincerely,

Karen (512) 936-1734
Education and Enforcement Section
Open Records Division

Enclosure

Karen.Hatthaway@TAG. ^{G-0 V} ~~OFF~~

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

**PUBLIC INFORMATION ACT REQUEST CERTIFICATION FROM
GOVERNMENTAL BODY**

RE: OAG ID# 521431

Please complete this form to indicate the manner in which the referenced request will be or has been answered. Include your signature and date.

I, _____, as the officer for public information for the _____, certify that I have made available to _____, the requestor, all existing responsive information that this governmental body owns, controls, or has a right of access to in accordance with Open Records Letter No. 2014-02372.

Public Information Officer

Date

ML-521431 -14
521938

OpenRecordsAssistance

From: Bill Kenny <BillKenny@FryRoad.com>
Sent: Tuesday, February 25, 2014 11:55 AM
To: publicrecords
Subject: RE: Public Information Act Request -- ID #513277

RECEIVED

FEB 25 2014

OPEN RECORDS DIVISION

Good afternoon Public Records Assistance,

I believe Harris County (HC) is in violation of state open records act by failing to comply with state imposed required time frame to release requested documents. As you can see HC will continue to violate state order till at least March 4th and that date is based on a belief.

I know (HC) can ignore me because I have limited recourse. However, I thought HC would have to obey the state ruling. As you can see that is not happening.

I don't know if the ruling has any teeth but will you please penalize HC to the fullest extent for not complying. Plus can you impose a daily fine until HC satisfies the ruling?

My original request was submitted about 4 months ago. I've been patient and followed proper procedure. I was expecting the same from Harris County.

I am following the law and will exhaust all legal means available to bring the guilty authorities to justice. Framing the victim because of mistakes and crimes committed by the legal authorities is unacceptable and should be unacceptable to everyone.

I would appreciate any help.

Thank you for your time,

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

From: Fillion, Susan (CAO) [<mailto:Susan.Fillion@cao.hctx.net>]
Sent: Monday, February 24, 2014 2:12 PM
To: 'Bill Kenny'
Subject: RE: Public Information Act Request -- ID #513277
Importance: Low

Thank you for confirming that you agree to pay the charges. The HCSO believes the records will be available for pick up on Tuesday, March 4, 2014. If you would like to the records mailed to you, please send a check to the HCSO – Legal Department in the amount of \$44.00.

Susan Fillion
Assistant County Attorney
Office of Vince Ryan
Harris County Attorney
c/o Harris County Sheriff's Office
1200 Baker Street – 2nd Floor (Legal Dept.)

Houston, Texas 77002-1206
Phone: (713) 755-7169
Voice Mail: (713) 274-5135
Fax: (713) 755-6228
Email: susan.fillion@cao.hctx.net

From: Bill Kenny [<mailto:BillKenny@FryRoad.com>]
Sent: Monday, February 24, 2014 1:48 PM
To: Fillion, Susan (CAO)
Cc: publicrecords@texasattorneygeneral.gov
Subject: RE: Public Information Act Request -- ID #513277

Good afternoon Susan Fillion,

Sending a price sheet does not satisfy the obligation. I agreed to pay the charges last Thursday.

Why have these documents not been supplied as required? I would like to receive them asap.

Please advise.

Bill Kenny
281-578-6736
BillKenny@FryRoad.com

From: Fillion, Susan (CAO) [<mailto:Susan.Fillion@cao.hctx.net>]
Sent: Monday, February 24, 2014 1:36 PM
To: 'Bill Kenny'
Subject: RE: Public Information Act Request
Importance: Low

Attached is the cost estimate that the HCSO prepared in connection with your request. Please let me know whether you agree to pay the charges.

Susan Fillion
Assistant County Attorney
Office of Vince Ryan
Harris County Attorney
c/o Harris County Sheriff's Office
1200 Baker Street – 2nd Floor (Legal Dept.)
Houston, Texas 77002-1206
Phone: (713) 755-7169
Voice Mail: (713) 274-5135
Fax: (713) 755-6228
Email: susan.fillion@cao.hctx.net

From: Bill Kenny [<mailto:BillKenny@FryRoad.com>]
Sent: Monday, February 24, 2014 12:05 PM
To: Fillion, Susan (CAO)
Subject: RE: Public Information Act Request

Good afternoon Susan Fillion,

Sending a price sheet does not satisfy the obligation. I agreed to pay the charges last Thursday.

Why have these documents not been supplied as required? I would like to receive them asap.

Please advise.

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

From: Fillion, Susan (CAO) [<mailto:Susan.Fillion@cao.hctx.net>]
Sent: Monday, February 24, 2014 11:41 AM
To: 'Bill Kenny'
Subject: RE: Public Information Act Request
Importance: Low

A cost estimate was provided to you. Do you agree to pay the charges?

Susan Fillion
Assistant County Attorney
Office of Vince Ryan
Harris County Attorney
c/o Harris County Sheriff's Office
1200 Baker Street – 2nd Floor (Legal Dept.)
Houston, Texas 77002-1206
Phone: (713) 755-7169
Voice Mail: (713) 274-5135
Fax: (713) 755-6228
Email: susan.fillion@cao.hctx.net

From: Bill Kenny [<mailto:BillKenny@FryRoad.com>]
Sent: Monday, February 24, 2014 10:28 AM
To: Fillion, Susan (CAO)
Subject: RE: Public Information Act Request

Good morning Susan Fillion,

The state deadline has come and gone and I still do not have the requested documents. I would like to receive them asap. Please advise.

Thank you,

Bill Kenny
713-280-5152

From: Fillion, Susan (CAO) [<mailto:Susan.Fillion@cao.hctx.net>]
Sent: Thursday, February 20, 2014 11:17 AM
To: 'Bill Kenny'
Subject: RE: Public Information Act Request
Importance: Low

I'll check the status of the request.

Susan Fillion
Assistant County Attorney
Office of Vince Ryan
Harris County Attorney
c/o Harris County Sheriff's Office
1200 Baker Street – 2nd Floor (Legal Dept.)
Houston, Texas 77002-1206
Phone: (713) 755-7169
Voice Mail: (713) 274-5135
Fax: (713) 755-6228
Email: susan.fillion@cao.hctx.net

From: Bill Kenny [<mailto:BillKenny@FryRoad.com>]
Sent: Thursday, February 20, 2014 11:14 AM
To: Fillion, Susan (CAO)
Subject: FW: Public Information Act Request

Good morning Susan Fillion,

I was hoping to hear from you but haven't. We are up against the state deadline, the courtesy of a reply would be appreciated.

Thank you,

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

From: Bill Kenny [<mailto:BillKenny@FryRoad.com>]
Sent: Monday, February 10, 2014 11:34 AM
To: 'Fillion, Susan (CAO)'
Subject: RE: Public Information Act Request

Good morning Susan Fillion,

The state has ruled on the brief you submitted to prevent the release of all complaints and disciplinary actions for the 11 county employees listed below;

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.

Please let me know when, where, and how much money I should bring in order to pick-up these records.

Thank you for your time,

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

From: Fillion, Susan (CAO) [<mailto:Susan.Fillion@cao.hctx.net>]
Sent: Monday, January 06, 2014 4:41 PM
To: 'Bill Kenny'
Subject: RE: Public Information Act Request
Importance: Low

All responsive records have been provided to you. Thank you.

Susan Fillion
Assistant County Attorney
Office of Vince Ryan
Harris County Attorney
c/o Harris County Sheriff's Office
1200 Baker Street – 2nd Floor (Legal Dept.)
Houston, Texas 77002-1206
Phone: (713) 755-7169
Voice Mail: (713) 274-5135
Fax: (713) 755-6228
Email: susan.fillion@cao.hctx.net

From: Bill Kenny [<mailto:BillKenny@FryRoad.com>]
Sent: Monday, January 06, 2014 1:57 PM
To: Fillion, Susan (CAO)
Subject: RE: Public Information Act Request

Dear Susan Fillion,

Please forgive me for any misunderstanding but HCSO has **not** responded to all my public information act requests related to IAD Case 12-0081-0305 and/or HC 12-21366 and has **not** provided all responsive records. Existing records include working papers, draft documents, finalized documents, memos, briefing notes, e-mails, electronic records, spread sheets, photographs, drawings, microfilm, etc.

Sgt. Thomas the investigator in Case HC 12-21366 was the person deciding what documents to release in Case HC 12-21366. Not sure who is deciding what to release in IAD Case 12-0081-0305 but I do know I have not received many responsive documents that exist. I don't know if it was intentional or just an oversight but I do know HCSO & IAD has covered up crimes and wants to keep it that way.

It's possible that the missing responsive documents are filed under another case so that it wouldn't be associated to IAD Case 12-0081-0305 and/or HC 12-21366. When other personnel research these cases they will not find this data. Similar to the brief you filed to prevent the release of the 911 call; your brief was not associated to HC 12-21366 so other HCAO personnel were unaware that a brief was ever filed in this case.

That may be part of the problem with IAD Case 12-0081-0305 because on April 30, 2013 I met with Sgt. Rush at IAD with new evidence showing Sgt. Thomas framed me for participating in crime in order for the original tainted IAD report to maintain its appearance of integrity. I spoke to Sgt. Rush for over 1.5 hours and provided new information along with written and audio sworn testimony. I would have provided testimony that contradicts the sworn testimony of 3 deputies but Sgt. Rush would not accept it. Sgt. Rush did open another IAD investigation in the computer system. Sgt. Rush gave this information to Lt. Pair, who was involved in the original IAD 'NOT SUSTAINED' cover-up.

Please provide all responsive records related to cases 12-0081-0305 and HC 12-21366 even if they are filed under another case number. Including but not limited to all videos, meeting with Sgt. Rush on April 30, 2013 at IAD and all follow up documentation. I believe this data should have already been provided, please advise.

Thank you for your time,

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

From: Fillion, Susan (CAO) [<mailto:Susan.Fillion@cao.hctx.net>]
Sent: Monday, January 06, 2014 10:01 AM
To: 'Bill Kenny'
Subject: RE: Public Information Act Request
Importance: Low

I am writing this email to confirm that the HCSO has responded to all of your public information act requests related to IAD Case 12-0081-0305 and/or HC 12-21366 and has provided to you all responsive records. As a result, the HCSO is closing its file in connection with your TPIA requests. Please note, the Texas Public Information Act (the "Act") does not require a governmental body to answer factual questions, perform legal research, or create new information in responding to a request.

Thank you.

Susan Fillion
Harris County Attorney's Office
c/o Harris County Sheriff's Office
1200 Baker Street
Houston, Texas 77002
(713) 755-7169
(713) 274-5135 [voice mail]

From: Bill Kenny [<mailto:BillKenny@FryRoad.com>]
Sent: Monday, December 30, 2013 10:14 AM
To: Fillion, Susan (CAO)
Subject: RE: Public Information Act Request

Good morning, Susan Fillion,

I am so sorry for submitting a request for data that has already been provided. (Incident Report)
I made a mistake, please accept my apology.

You mentioned sending you any pending PIA requests. I've requested from Ms. Ming additional missing IAD data;

- 1) I believe the IAD report states a video was recorded. This was not included in the Internal Affairs packet I received on August 27, 2013.
- 2) The IAD report concludes with a 'NOT SUSTAINED' without summary/minutes of the meeting when the decision was rendered. Who are the voting members and where is that documentation? There must be more than a letter from Lt. Pair, with Captain Hughes using Lofton Harrison as the acting chief saying 'NOT SUSTAINED', right? This was not included in the Internal Affairs packet I received on August 27, 2013.

One last item; on April 30, 2013 I met with Sgt. Rush at IAD with new evidence showing Sgt. Thomas framed me for participating in crime in order for the original tainted IAD report to maintain its appearance of integrity. I spoke to Sgt. Rush for over 1.5 hours and provided new information along with written and audio sworn testimony. I would have provided testimony that contradicts the sworn testimony of 3 deputies but Sgt. Rush would not accept it. Sgt. Rush did open another IAD investigation in the computer system. Sgt. Rush gave this information to Lt. Pair, who also was involved in the original IAD 'NOT SUSTAINED' cover-up. Sgt. Rush paperwork including narrative along with audio was not included in the Internal Affairs packet I received on August 27, 2013. Would this be considered a new request or a pending request?

Thank you for your time,

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

From: Fillion, Susan (CAO) [<mailto:Susan.Fillion@cao.hctx.net>]
Sent: Friday, December 20, 2013 3:00 PM
To: 'billkenny@fryroad.com'
Subject: FW: Public Information Act Request

I am writing this email to confirm receipt of your recent communication (listed below) to the HCSO. In response to your inquiry, please be advised that the requested item, i.e. the incident report, has been previously provided to you.

I ask that you direct any future inquiries regarding pending PIA requests to the undersigned. New PIA requests should be sent to: Harris County Sheriff's Office, 1200 Baker Street, Houston, Texas 77002, (713) 437-4975.

Thank you for your time and attention to this matter.

Susan Fillion
Harris County Attorney's Office
c/o Harris County Sheriff's Office
1200 Baker Street
Houston, Texas 77002
(713) 755-7169
(713) 274-5135 [voice mail]

From: Bill Kenny [<mailto:BillKenny@FryRoad.com>]
Sent: Thursday, December 19, 2013 1:17 PM
To: Ming, Rosa (HCSO)
Subject: RE: Public Information Act Request

Hello Ms. Ming,

I faxed an open records request Dec. 5th to the fax number you provided below.

However, I have not received any type of response to that request or to the phone message I left for you yesterday.

Please contact me with the current status of my request.

Thank you,

Bill Kenny
713-280-5152

From: Ming, Rosa (HCSO) [<mailto:Rosa.Ming@Sheriff.hctx.net>]
Sent: Friday, October 11, 2013 11:36 AM
To: 'Bill Kenny'
Cc: Garcia, Roel (HCSO)
Subject: RE: Public Information Act Request

Mr. Kenny,

I fully complied with your TPIA request dated August 16, 2013, wherein you asked for a copy of IAD Case No. 12-0081-0305. As you recall, you arrived at the HCSO unannounced on August 27, 2013, after I advised you I was still waiting on some documents to complete your request.

Regarding your email below dated October 1, 2013, the Texas Public Information Act (the "Act") gives the public the right to access governmental information. Please note, however, that a governmental body is not required to answer factual questions, conduct legal research, or create new information. See Open Records Decision No. 563 at 8 (1990), 555 at 1 – 2 (1990).

If you have a new request or want to request additional information, please submit a new Open Records Request as follows:

Please submit your requests for information to:

Harris County Sheriff's Office:
ATTENTION: Legal Department
1200 Baker Street
Houston, Texas 77002.
Via Regular Mail

Or

Via Facsimile to: 713 - 437 - 4975

Please note that pursuant to section 552.301(c) of the Texas Government Code, the Harris County Sheriff's Office has designated an address and fax number to receive requests for public information held by our office. A request sent to any mailing address, e-mail address, or fax number other than the ones listed above does not trigger the requirements of the Public Information Act, Chapter 552 of the Texas Government Code.

Following this process will help expedite your request and improve our ability to provide you with the information you need in the most efficient way possible.

Thanks,
rmm

From: Bill Kenny [<mailto:BillKenny@FryRoad.com>]
Sent: Friday, October 11, 2013 9:36 AM
To: Garcia, Roel (HCSO)
Cc: Ming, Rosa (HCSO)
Subject: FW: Public Information Act Request

Good morning Mr. Garcia,

I'm having a difficult time getting a response from Ms. Rosa Ming after sending an email (see below) on 10/1 and calling and leaving voice mail on 10/4, 10/8, & 10/10.

I appreciate any help you can provide.

Thank you,

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

From: Bill Kenny [<mailto:BillKenny@FryRoad.com>]
Sent: Tuesday, October 01, 2013 2:20 PM
To: Ming, Rosa (HCSO) (Rosa.Ming@Sheriff.hctx.net)
Subject: FW: Public Information Act Request

Good afternoon, Ms. Ming,

Thank you for meeting with me August 2 , 201 and supplying me with the IAD Internal Report Case o. 12 00 1 0 0 .

The contents of included

audio sworn testimonies (deputies, Lisa enny, oe Felice) and the 11 call. Also include were printed reports of the sworn testimony with a synopsis by Sgt/Lt. . Herndon. A hard copy of the 11 call log, my printed statement, the police report w/1 supplement by Sgt. einel.

I believe the report states a video was recorded. This was not included in the Internal Affairs packet you gave me on August 2 , 201 .

The IAD report concludes with a OT S STAI D' without summary/minutes of the meeting when the decision was rendered. ho are the voting members and where is that documentation? There must be more than a letter from Lt. Pair using Lofton Harrison as the acting chief saying OT S STAI D', right? This was not included in the Internal Affairs packet you gave me on August 2 , 201 .

On April 0, 201 I met with Sgt. Rush at IAD with new evidence that Sgt. Thomas framed me for a crime in order for the original IAD report to maintain its integrity. I spoke to Sgt. Rush for over 1. hours and provided new information along with written and audio sworn testimony. Sgt. Rush opened another IAD investigation in the computer system. Sgt. Rush gave this information to his supervisor Lt. Pair, who also approved the original IAD OT S STAI D' report. This was not included in the Internal Affairs packet you gave me on August 2 , 201 .

One last question, how would a citizen contact the ADC directly?

Again, thank you for all your time and effort providing the IAD Internal Report.

If you are not the proper person for this follow up please tell me who I should direct this to.

Thank you very much,

Bill enny
1 2 0 1 2

From: Bill Kenny [mailto:BillKenny@FryRoad.com]
Sent: Tuesday, August 27, 2013 1:05 PM
To: 'Ming, Rosa (HCSO)'
Subject: RE: Public Information Act Request

Dear Rosa Ming,

Thank you for the update.

I would prefer to acquire what you have now and get the remainder later.
If you can tell me where, when, and how much, I'll come and retrieve those documents today.

Thank you,

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

From: Ming, Rosa (HCSO) [<mailto:Rosa.Ming@Sheriff.hctx.net>]
Sent: Tuesday, August 27, 2013 10:00 AM
To: 'BillKenny@FryRoad.com'
Subject: Public Information Act Request

Mr. Kenny,

Please be advised we have received your request dated August 16, 2013, for IAD Case No. 12-0081-0305. I currently have a copy of the file to be released to you; however, I noticed it is missing one (1) page (copier/scanner). I have requested the missing page be sent to me and should have it within a day or two. As soon as I have a complete copy, I will advise you it is ready for pick up and the amount due. Thanks.

Rosa M. Min

Paralegal, Legal Services
Executive Bureau



SHERIFF ADRIAN GARCIA

www.harriscountysso.org

www.hcssojobs.com

1200 Baker Street, 2nd Floor

Houston, TX 77002

Office: 713.755.8226

Fax: 713.437.4975

Rosa.Ming@sheriff.hctx.net



RECEIVED

FEB 26 2014 2-26-14
OPEN RECORDS DIVISION

Texas Attorney General
Open Records Division
Austin, Texas 78711
Fax: 512-481-1992

ML-521431-14
521431

RE: ID#513277 / OR14-02372

Good afternoon,

Harris County (HC) is in violation of state open records act by failing to comply with state imposed required time frame to release requested documents.

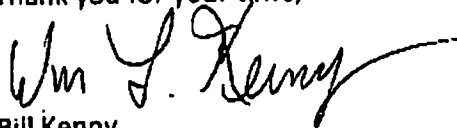
I don't know if the ruling has any teeth but please penalize HC to the fullest extent for not complying. Plus if possible, please impose a daily fine until HC satisfies the ruling. HC should be held accountable.

My original request was submitted 4 months ago. I've been patient and followed proper procedure. I was expecting the same from Harris County with TXAG support.

I am following the law to bring the guilty HC authorities to justice. Framing the victim because of mistakes and crimes committed by the legal authorities is unacceptable and should be unacceptable to everyone.

I would appreciate any help. Please contact me at your earliest convenience.

Thank you for your time,



Bill Kenny

713-280-5152

BillKenny@FryRoad.com