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November 1, 2016

Mr. George E. Hyde, City Attorney
City of Hearne
Via facsimile: (512) 279-6438

Re: City of Hearne record requests

Mr. Hyde:

I write on behalf of Hearne City Council members Rodrick Jackson and Shirley Harris. According to Mr. Jackson and Ms. Harris, they requested copies of all of Interim City Manager John Naron's emails months ago, but those emails have not been provided. Mr. Jackson told me that he asked Asst. City Attorney Sarah Griffin about the status of his request, and she replied that (1) some of the emails may be covered by attorney-client privilege and (2) city officials were waiting for the Texas Attorney General's Office ("OAG") to rule on my separate request for Mr. Naron's emails.

This appears to have been an effort to deceive Mr. Jackson. He said he told Ms. Griffin that the city council is her client, not Mr. Naron, and Mr. Jackson is quite right about that. Furthermore, my request for Mr. Naron's emails has absolutely no bearing on his request for the emails. I am a private citizen and a blogger acting within the limits of the Texas Public Information Act. Mr. Jackson, on the other hand, is an elected council member and therefore holds a virtually unrestricted right to review *all* city records, regardless of whether they are public information. Accordingly, any ruling from the OAG regarding my request is totally irrelevant to Mr. Jackson's request (as well as Ms. Harris's request).

I suspect Ms. Griffin already knew that, which leads me to ask why she would try to convince Mr. Jackson otherwise. After all, an attorney who tries to deceive a client with misleading legal advice can be subject to professional discipline. And I must wonder why you and Ms. Griffin have arbitrarily sided with one half of the city council (Mayor Ruben Gomez, Councilman Emmett Aguirre, and Councilwoman Margaret Salvaggio) over the other half (Mr. Jackson, Ms. Harris, and Councilwoman Martha Castilleja). Where a municipal governing body is evenly divided, as in Hearne, I am not aware of any rule or statute that would permit the city attorney to take directions from one side but not the other. A deadlock is a deadlock, and nothing gives a city attorney the right to break the tie or play favorites.

On behalf of my clients, in their capacities as members of the Hearne City Council, I demand that city officials and your law firm provide the following information:

All emails and text messages sent or received by John Naron since he became Interim City Manager. This includes, but is not limited to, messages in city

accounts and messages in any private accounts (to the extent that messages in any such private account are related to city business).

For the period since you were appointed Hearne City Attorney, all emails, memoranda, letters, or other documents sent or received by you, Ms. Griffin, or any other person in your law firm that pertain to City of Hearne business.

Itemized copies of all bills from your firm to the City of Hearne, to include hours billed and the nature of any work performed.

Records or documents directing the city's financial investigator, Ed Martin, to report to you and/or your firm rather than the Hearne City Council.

Please let me know not later than November 4, 2016 when my clients will be able to review this information at city hall. If the city is unwilling to produce the documents, my clients may seek mandamus relief.

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ty Clevenger', with a long horizontal flourish extending to the right.

Ty Clevenger