

TY CLEVINGER
21 Bennett Avenue #62
New York, New York 10033

telephone: 979.985.5289
facsimile: 979.530.9523

tyclevenger@yahoo.com
Texas Bar No. 24034380

June 29, 2016

The Honorable Rosemary Lehmborg, District Attorney
Travis County District Attorney's Office
509 West 11th Street
Austin, Texas 78701
Fax: (512) 854-9695

The Hon. Jeri Yenne, District Attorney
Brazoria County District Attorney's Office
111 E. Locust, Suite 408A
Angleton, TX 77515
Fax: (979) 864-1525

Mr. Kim Vickers, Executive Director
Texas Commission on Law Enforcement
6330 U.S. Highway 290 East, Ste. 200
Austin, TX 78723
Fax: (512) 936-7714
kimv@tcleose.state.tx.us

Re: Sherry L. Koenning-Cook, Executive Director, Texas Alcoholic Beverage
Commission (Texas Peace Officer ID #152362)

Ms. Lehmborg, Ms. Yenne, and Mr. Vickers:

I write to request an investigation of Sherry Cook, the executive director of the Texas Alcoholic Beverage Commission, and her husband Maurice Cook, the former chief of the Texas Ranger Division. It appears that Mrs. Cook's training records may have been falsified. Specifically, it appears that she may have received unearned training credit at a special VIP law enforcement program at Alvin Community College that was run by her husband. I am copying this letter to Mr. Magidson and Mr. Durbin because any participants in such a scheme could be charged with federal mail fraud if they utilized the U.S. Postal Service to further the scheme. At the state level, falsification of training records would be a third-degree felony under Section 37.10 of the Texas Penal Code. And if three or more people were involved in a fake training scheme, they could all be charged with engaging in organized criminal activity insofar as tampering with a governmental record is one of the predicate offenses. *See Texas Penal Code §71.02(a) (13).*

I began investigating Mrs. Cook after hearing rumors that the VIP program might be granting unearned credit to politically-connected law enforcement officers. Mrs. Cook's official training records with the Texas Commission on Law Enforcement indicate

that she successfully completed “Crime Scene Investigation (Intermediate)” at Alvin Community College during the week of August 26-30, 2013. According to an email from ACC President Christal Albrecht, the class was offered on campus in Room N-111, and I have found no indication that it was offered simultaneously online or via teleconference. Judging from the absence of relevant records at TABC, it appears that Mrs. Cook did not attend the class.

On July 14, 2015, I filed a public information request with TABC seeking the following:

1. All emails sent or received by Sherry Cook from August 26, 2013 through August 30, 2013.
2. All records related to all travel by Sherry Cook from August 26, 2013 through August 30, 2013. This request includes, but is not limited to, documentation of leave or absence from the office during that time period.
3. All receipts and credit card billing statements (with account numbers redacted) for Sherry Cook from August 26, 2013 through August 30, 2013. If an expense for Mrs. Cook was placed on someone else's official credit card, please include that documentation.

I spoke with TABC Public Information Coordinator Matthew Cherry on August 19, 2015, and he told me there were no emails whatsoever between August 26, 2013 through August 30, 2013. On September 21, 2015, he wrote as follows: “Please be informed that the TABC does not have any responsive records pertaining to emails, travel, and expense records for Executive Director Sherry Cook from August 26, 2013 through August 30, 2013.”

If Mrs. Cook traveled to Alvin for law enforcement training, there should have been some sort of record reflecting that travel. Perhaps the larger concern is TABC's claim that it can find no emails from the week of August 26, 2013. I find it impossible believe that the head of a state agency did not send or receive a single email – not even spam – for an entire week. Since I submitted my public information request less than two years after the emails were sent or received, those emails still should have been preserved according to state law.

If Mrs. Cook or anyone else at TABC destroyed the emails, he or she could be charged with a third-degree felony. *See* Texas Penal Code § 37.10(a)(3). If the emails were destroyed in order to keep me from seeing them, TABC personnel could perhaps be charged with a second-degree felony. *See* Texas Penal Code § 37.10(d)(3).

I am aware of other evidence of wrongdoing within TABC, including evidence that TABC withheld other records that it should have produced in response to my public information requests. I also have to wonder how many other politically-connected law enforcement officers were afforded the VIP treatment at Alvin Community College. I

will follow up with more information later, but the limitations period on some of the records tampering charges will lapse at the end of August, so I wanted to bring that information to your attention as soon as possible. Finally, I have posted some of the documents referenced in this letter on my blog at *LawFlog.com*.

Thank you for your consideration.

Sincerely,

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

Ty Clevenger

cc: The Hon. Kenneth Magidson, U.S. Attorney
Southern District of Texas
The Hon. Richard L. Durbin, Jr., U.S. Attorney
Western District of Texas
Major Frank Malinak, Deputy Chief
Texas Ranger Division