

City of Hearne



April 20, 2017

Mr. Ty Clevenger

Via Email: tyclevenger@yahoo.com

RE: Sgt. Stephen Yohner/Email request dated Friday, April 07, 2017

Mr. Clevenger:

This letter is in response to your email dated Friday, April 07, 2017 concerning Sgt. Stephen Yohner.

You stated the same afternoon you had reviewed the personnel file for Sgt. Yohner, and it did not contain any information about his suspension. And, according to police personnel, the police chief was summoned to the office of Rusty Russ for a meeting, and after the chief returned to the office, he called Sgt. Yohner and informed him that he was suspended. You stated you were told everything was handled verbally.

You asked why was the meeting held in Mr. Russ's office, and was he acting as the city attorney? I am sure you are aware, that according to the Public Information Act handbook, "the Act does not require a governmental body to create new information, to do legal research, or **to answer questions.**"

Your requested the opportunity to view any records, documents, or communications pertaining to the suspension of Sgt. Yohner. And, if Mr. Russ generated or received any such information while purporting to act for the City of Hearne, you request the opportunity to view that information. Attached please find a copy of the City's All Purpose Personnel Action Form dated March 31, 2017 where Sgt. Stephen Yohner was placed on Administrative Leave. The remaining information is being submitted to the Office of the Attorney General of Texas for a ruling as to whether said information is excepted from public disclosure. A copy of the City's 15-day brief will be sent to you under separate cover.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Linda Pecina

City Secretary

City of Hearne

979/279-3461

citysecretary@cityofhearne.com

Enclosure

Information Released

CITY OF HEARNE, TEXAS

ALL PURPOSE PERSONNEL ACTION FORM

TO: PERSONNEL DIRECTOR

DATE 3/31/17

TYPE OF ACTION: APPOINTMENT STATUS CHANGE LEAVE SUSPENSION TERMINATION
(CHECK ONE) () () () () ()

EFFECTIVE DATE 3/31/17 HOUR _____

| | FROM | TO |
|------------------|-----------------------|------------|
| NAME OF EMPLOYEE | <u>Stephen Yohner</u> | |
| ADDRESS | [REDACTED] | [REDACTED] |
| PHONE NUMBER | [REDACTED] | [REDACTED] |
| DEPARTMENT | <u>Police</u> | |
| POSITION TITLE | <u>Sgt</u> | |
| RATE OF PAY | | |

REASON FOR ACTION: (EXPLAIN IN DETAIL)

Paid Admin leave

IN CASE OF TERMINATION: LAST DAY AND HOUR OF ACTUAL WORK: _____

HAS ALL CITY OWNED PROPERTY IN THE CUSTODY OF THIS EMPLOYE BEEN RETURNED OR SATISFACTORILY ACCOUNTED FOR? _____

IS THIS EMPLOYEE RECOMMENDED FOR RE-EMPLOYMENT? _____

REQUESTED BY

Thomas Williams
DEPARTMENT HEAD

DIVISION HEAD

FOR PERSONNEL DEPARTMENT USE ONLY:

EMPLOYEE NUMBER _____

EMPLOYMENT DATE: _____ LAST INCREASE: DATE: _____ AMOUNT: \$ _____

IN CASE OF TERMINATION: ACCRUED LEAVE FOR PAY PURPOSES: SICK DAYS _____ VACATION DAYS _____

AMOUNT OWED CREDIT UNION _____

REMARKS: _____

APPROVED BY

PERSONNEL DIRECTOR

BUDGET OFFICER

CITY MANAGER OR ASSISTANT CITY MANAGER

City of Hearne



April 18, 2017

The Honorable Ken Paxton, Attorney General
Office of the Attorney General
Open Records Division
P. O. Box 12548
Austin, Texas 78711-2548

RE: Request for Attorney General Decision Under TEX. GOV'T CODE § 552.301

Requestor: Ty Clevenger
Entity: City of Hearne (hereinafter, the "City")
Date Received: April 07, 2017

Dear Attorney General Paxton:

On April 07, 2017, the City received a public information request from Ty Clevenger (see Exhibit A).

Further, I hereby certify that all City administrative officers were closed on Friday, April 14, 2017 in observance of Good Friday (See Exhibit B). As such, this particular calendar day is not included in the statutory time frame in which the City must comply with section 552.301 of the Government Code in requesting this decision from the Attorney General.

Pursuant to section 552.301 of the Government Code, the City hereby requests a decision from the Attorney General about whether the requested information is excepted from disclosure under the Public Information Act (the "Act"). Specifically, the City Claims that the requested information is not information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body or for a governmental body or is excepted from disclosure as: (1) information made confidential by law under section 552.101; (2) certain personnel information under 552.102; (3) information pertaining to certain legal matters under section 552.107; (4) information concerning certain law enforcement records under section 552.108; (5) information concerning certain addresses, telephone numbers, social security numbers, and personal family information of public officials and employees, peace officers, Texas Department of Criminal Justice Employees, and certain law enforcement personnel under section 552.117; (6) confidentiality of addresses, telephone numbers, social security numbers, and personal family information of peace officers, county jailers, security officers, and employees of Texas Department of Criminal Justice or prosecutor's office under section 552.1175; (7) confidentiality of crime victim or claimant information under section 552.132; (8) crime victim impact statement under 552.1325; and (9) information concerning public employees or officer personal safety under section 552.152.

If there are any third parties whose proprietary interests may be implicated by the release of the requested information, the City will notify them pursuant to section 552.305 of the Act of their right to submit comments to you as to why the information should not be released.

In accordance with section 552.301(e) of the Act, the City will be sending, within fifteen (15) business days of the date that it received the request for information: (1) written comments stating the reasons why the stated exceptions apply that would allow the information at issue to be withheld from the requestor; (2) a copy of the written request for information indicating the date on which it was received by the City or a statement certifying when the City received it; and (3) a copy of the specific information requested, or representative samples of the information, labeled to indicate which exceptions to disclosure apply to which parts of the copy.

Should you have any questions or concerns, please contact our office at 979/279-3461.

Sincerely,



Linda Pecina
City Secretary
City of Hearne
979/279-3461
citysecretary@cityofhearne.com

Enclosure(s): As stated

Cc: Ty Clevenger
P. O. Box 20753
Brooklyn, NY 11202-0753

Via Email: tyclevenger@yahoo.com and First Class Mail