

THE LAW OFFICE OF FLOYD AKERS

P.O. Box 1179

San Marcos, Texas 78667-1179

August 18, 2017

Ty Clevenger
tyclevenger@yahoo.com

Re: Public Information Act Request received by the City of Hearne on August 15, 2017.
Requestor: Ty Clevenger

Mr. Clevenger:

I am the City Attorney for the City of Hearne, Texas. On August 15, 2017 the City received a public information act request from you requesting the following information.

- “1. Documents, records or communications (e.g., emails or text messages) regarding any illegal drugs that were found in the desk of former Sgt. Stephen Yonder. This request includes, but is not limited to, information about the source of the drugs, whether they were kept in a secure location, any inventory of such drugs (whether maintained by Sgt. Yohner or anyone else), and the disposition of such drugs (e.g., whether they were flushed down a toilet).
2. Documents, records or communications regarding the use of marijuana (or any other illegal drug) by Officer [REDACTED], whether before or after his hiring. For example, if he mentioned drug use in his application for employment, then his application should be produced.”

The City contends both request are exempted from disclosure under the Texas Public Information Act, Texas Government Code Section 552.

The first request is exempted under Sec. 552.108. EXCEPTION: CERTAIN LAW ENFORCEMENT, CORRECTIONS, AND PROSECUTORIAL INFORMATION. (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552 if release of the information would interfere with the detection, investigation, or prosecution of crime.

The second request is exempted under 552.102. EXCEPTION: CONFIDENTIALITY OF CERTAIN PERSONNEL INFORMATION. (a) Information is excepted from the requirements of Section 552.021 if it is information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. In addition, the employment application requested contains information exempted under Sec. 552.1175. CONFIDENTIALITY OF CERTAIN PERSONAL IDENTIFYING INFORMATION OF PEACE OFFICERS, COUNTY JAILERS, SECURITY OFFICERS, EMPLOYEES OF CERTAIN CRIMINAL OR JUVENILE JUSTICE AGENCIES OR OFFICES, AND FEDERAL AND STATE JUDGES. The application contains the officer's address, phone number, family members and their personal information. The application

should be exempted from disclosure. Additionally, the employment application contains information exempted under Sec. 552.101 EXCEPTION: CONFIDENTIAL INFORMATION. Information is excepted from the requirements of Section 552.021 if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision.

A request has been made to the Texas Attorney General's Office requesting that the documents be exempted from disclosure. You will be notified by the City of Hearne and the Attorney General's Office of their decision.

Regards,

Floyd Akers
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