

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.dps.texas.gov



STEVEN C. McCRAW
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MANNY FLORES
A. CYNTHIA LEON
JASON K. PULLIAM
RANDY WATSON

February 20, 2019

Via Email

Ty Clevenger
tyclevenger@yahoo.com

RE: Public Information Request for all correspondence whereby Louis Sanchez notified PSC that he was retiring (PIR # 19-0649)

Mr. Clevenger:

The Department received your above-referenced request on February 13, 2019. The Department has located records responsive to your request; however, we believe some or all of the records may be excepted from required public disclosure at this time. We are seeking a ruling from the attorney general's office with respect to disclosure of these records, and a copy of our request letter is enclosed. You will be notified directly by the attorney general's office when a ruling is issued.

If you have any questions regarding this request, please submit them in writing via facsimile to (512) 424-5716, via email to OGC.Webmaster@dps.texas.gov, via mail to the address in the letterhead, or in person at our offices at 5805 N. Lamar Blvd. in Austin. Thank you.

Cordially,

A handwritten signature in black ink, appearing to read "B. Sears".

Brian Sears
Assistant General Counsel

cc:

Attorney General of Texas
Open Records Division
209 West 14th Street, 6th Floor
Austin, Texas 78701

From: Ty Clevenger <tyclevenger@yahoo.com>
Sent: Wednesday, February 13, 2019 2:58 PM
To: OGC Webmaster
Subject: Public information request

CAUTION: This email was received from an EXTERNAL source, use caution when clicking links or opening attachments.
If you believe this to be a malicious and/or phishing email, please send this email as an attachment to SPAM@dps.texas.gov.

To Whom It May Concern:

I request the opportunity to view all correspondence (electronic or otherwise) whereby Louis Sanchez notified the Public Safety Commissioners that he was retiring from his position as deputy inspector general of the Department of Public Safety.

Thank you in advance for your assistance.

Ty Clevenger

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February 20, 2019

Via Hand Delivery

Attorney General of Texas
Open Records Division
209 West 14th Street, 6th Floor
Austin, Texas 78701

RE: Public Information Request for all correspondence whereby Louis Sanchez notified PSC that he was retiring (PIR # 19-0649)

DATE REQUEST FOR INFORMATION RECEIVED:

2/13/2019

DATE REQUEST FOR RULING SUBMITTED TO ATTORNEY GENERAL:

2/20/2019

Dear Open Records Division:

The Department of Public Safety received the above-referenced request for information from Ty Clevenger on February 13, 2019. We believe some or all of the requested information is excepted from required public disclosure pursuant to section 552.103 of the Government Code. Accordingly, we are requesting a ruling regarding the release of these records.

The Department believes the records responsive to this request are excepted from required disclosure pursuant to section 552.103(a) of the Government Code, which excepts “information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person’s office or employment, is or may be a party.” In Attorney General Decision ORD No. 638, your office held that a governmental entity’s burden under this exception is two-pronged. First, the government entity must show that litigation is reasonably anticipated. Second, it must show that the requested information relates to that litigation.

First, the subject of this request has indicated in his own requests for public information that related records should be maintained by the Department for future legal action. (see DPS PIR # 19-0506). In addition, recent court filings indicate that the subject of this request will be called by the requestor as a witness in related litigation brought against the Department. Therefore, the Department believes the first prong of the test has clearly been met. Second, the information requested is inescapably related to the litigation. All of the information responsive to this request directly relates to the lawsuit, which alleges in part that select personnel in the Office of Inspector General are being driven out to effectuate an environment of “corruption and cronyism”. The same allegations are made against the Department as a whole. Therefore, the Department believes it has

met both prongs of the test, and the requested information is excepted from required public inspection pursuant to section 552.103.

Please find enclosed the request from Ty Clevenger, the notice of our request for a ruling sent to the requestor, and the responsive records we wish to except from required disclosure. Please feel free to contact me at (512) 424-2890 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Sears".

Brian Sears
Assistant General Counsel

Enclosure(s)

cc: Ty Clevenger