

RED RIVER COUNTY

200 N. Walnut
Clarksville, Texas 75426

Powell W. Peek,
County Judge

Ph: 903 427-2680
Fax: 903 427-5510

Date: April 3, 2006
To: Mr. Ernest Henslee
From: Powell W. Peek
Subject: **OPEN RECORDS REQUEST**

In response to your request of 3/30/06 for public information, my office has the following memos and/or e-mails which are attached. Since your request did not specify a time frame, I have used January 2005 to the present date. I do not believe any documents exist prior to 2005. No e-mails were sent or received in this office which conform to your request.

<u>Date</u>	<u>Description</u>
3/31/06	Unsolicited Fax Received
3/30/06	Mr. Henslee's Request
4/29/05	Applicant Interview Schedule
4/27/05	Memo to Larry Spangler

I understand you have already picked up copies of the cash position and check registers for the last four months (Dec 2005, Jan, Feb, Mar 2006) from the County Auditor.

As my secretary advised you on 3/31/06, e-mail and/or correspondence requests for other offices must be addressed to the elected official.



Powell W. Peek,
County Judge

PWP:ra
Att.

Signed

Date

189 Pgs. - \$18.90

Red River County Politics

County Judge Powell Peek Changes Rules on Open Records to Suit the Occasion

Home

10:15 am 3/31/2006 Red River County Courthouse

Once again County Judge Powell Peek shows just what kind of "Good Ole Boy" Government we have in Red River County when I went to check on an open records request filed yesterday morning. When I was reporting for "The Star" Judge Peek used to play games with me when I filed open record request to make it hard on me to get the facts out to the people. He would change the rules as it suited him at first, but when I called the Texas Attorney's General Open Records Hotline at 1 877 673 6839 and complained, Judge Peek settled down to providing the request in a timely fashion, without playing his games. Back in those days, the news took 2 weeks to get out to the public about his games, and he could afford to play them. Now that reporting on the internet, all of the county officials need to realize that I can have what is occurring in the courthouse out to the people within minutes.

The old rules that Judge Peek finally settled on was that I must come to him, (because the county officials did not want me in their offices I Guess) with all my open record requests. They would then be disseminated out to the appropriate county officials, and the records returned to his office. Those were the rules, that he put in place and I went by them. Yesterday, I went to the courthouse and filed an "Open Records Request" which was:

1. Copies of all e-mails sent from any county owned computer with attachments, mentioning Royce Abbot's name.
2. Copies of all correspondence and enclosures sent from any county office with enclosures, mentioning Royce Abbott's name.
3. Copies of the Cash Position Statement for the last 4 months.
4. Copies of the County Check Register for the last 4 months.

I filed the copy attached to their form that they require me to fill out with Miss Ruby, the County Judge's secretary. She informed me that Judge Peek was out of the office and would not be back until Monday, so the request would not be worked until then. I had no problem with that, and everything was fine.

This morning I went back to see Miss Ruby to ask her if I could possibly get the Cash Position Statements, and the Check Register copies before the weekend, and she informed me that the

Judge has now changed the rules. It seems to me that Judge Peek changes the rules to benefit the County Government and Officials "Good Ole Boys" when it suits their needs to keep the information from getting into the hands of the public rapidly. Now his rules are that I must go to each of the elected official's office and file my "Open Record Request" separately.

I wish that the Judge and the "Good Ole Boys" would make up his mind. He is getting old and maybe he forgets the rules that he put in place in the past, but I DON'T REALLY THINK THIS IS THE CASE.

This is just another feeble attempt to keep their actions, and public documents from the citizens hands for as long as possible so that when the documents are delivered that they have their tracks covered before the information hits the streets

I hate to tell you Judge, that the rules have changed on this end now. The internet is instantaneous when it comes to reporting the news. Before your lips have cooled off from flapping, I can have what you said posted on the internet for the whole world to examine. If you want to play games, get used to the NEW AND IMPROVED playing field. The people are the players of the games Judge, and are ready for a change in the way you and this corrupt government do business. We want a fair open government that has nothing to hide. The so-called "Booger at the Courthouse" as the honorable gentlemen at the Boxelder Store call it, needs to be exposed.

By the way what is it that these e-mails are hiding? It must be something good for you to keep me off as long as possible with your games. Could it be that they will tell the whole story?

I expect that the next excuse they will come up with is that they have deleted the e-mails. I hate to tell them that once they are sent from a county computer, they become "official documents" which are subject to open records, and deleting or tampering with an "official document" is a criminal offense by any county official or employee. Once I get hold of a public record, and as a private citizen, I can do with it what I please. Anyone and everyone can read them.

I wonder how many e-mails are sent just wasting time sending "Jokes". How much would the County Officials be embarrassed if I requested all the Jokes sent from all the Counties Computer's. I know for a fact that they are there, because I have copies of some of them and know who they were disseminated to, because quite a few of them were disseminated to me. I might just post some of them with their headers if Judge Peek does not get off his backside and get going on filling my request. I am TIRED OF THE GAMES, Judge. This is the age of instantaneous information, and the Appointed and Elected County Officials need to get used to it.

I have a call in to the Texas Attorney's General Office before this was written and I can guarantee all of you that this problem will be straightened out even if I have to file another formal complaint against the Judge.

Home

Date: 3/30/2006

To: Judge Powell Peck (Elected County Official)

Name: ERNEST HENSLEE

Address: 4494 CR 4530

Phone: 903 (88) 0090

I hereby request copies of the following information:

see attached letter

I understand that I will be charged for the cost of copies made, up to 50 Pages:

Letter Size Copies: Price is \$0.10 Each

Copies on other than Standard Size Paper: Price is \$0.50 Each

For more than 50 Pages, a labor and Overhead Charge will be applied, consisting of:

Labor \$15.00 Per Hour

Overhead \$ 3.00 Per Hour

Total \$18.00 Per Hour

Signed: Ernest Henslee

Today's Date 3/30/2006

To: County Judge Powell Peek
From: Ernest Henslee

RE: Open Records Request

Per the Open Records Act, I request all of the following information.

Hard Copies of any and all e-mails and including any and all attachments sent from any county owned computer with Royce Abbott's name mentioned in them.

Copies of any and all letter correspondence sent from any
Hard Copies Cash Position Statement for the last 4 months, *county office with*
Royce Abbott's name
Hard Copies County Check Register for the last 4 months *mentioned in it.*
including any enclosures.

Thank You,


Ernest Henslee

**RED RIVER COUNTY COMMISSIONERS COURT
SPECIAL MEETING
April 29, 2005**

**Schedule of Applicants to be Interviewed for Sheriff's Position
In Commissioners Courtroom, Red River County Annex**

Friday, April 29 th	Applicant
9:00 – 9:30 A.M.	Terry Reed
9:30 – 10:00 A.M.	Robert Bridges
10:00 – 10:30 A.M.	Royce Abbott
10:30 – 11:00 A.M.	BREAK
11:00 – 11:30 A.M.	William Perry
11:30 – 12:00 A.M.	Mark Perkins
12:00 – 1:00 P.M.	LUNCH
1:00 – 1:30 P.M.	Larry Spangler
1:30 – 2:00 P.M.	Mark Asher

RED RIVER COUNTY

200 N. Walnut
Clarksville, Texas 75426

Powell W. Peek,
County Judge

Ph: 903 427-2680
Fax: 903 427-5510

Date: April 27, 2005
To: Chief Deputy Larry Spangler
From: Powell W. Peek
Subject: ACCESS TO INFORMATION

Can you please assist me in expediting public information authorized by Govt. Code 411.135 (copy attached) for the following individuals:

- Royce Abbott
- William Perry
- Mark Perkins
- Mark Asher

Date of Birth, Driver's License, and Social Security numbers will be supplied verbally.

The purpose of obtaining this information is to assist the Commissioners Court in the selection process for appointing a Sheriff.

Note, this is not a request for CCH but is limited to convictions or deferred adjudications.

Powell W. Peek
Powell W. Peek,
County Judge

PWP:ra

*no response was received for
any candidates*

(A) has access to the confidential records of state agencies that are stored by the commission;

(B) has access to any part of the archives of the state library as described in Section 441.010;

(C) has access to a computer terminal, if any information available from the terminal is required by law to remain confidential; or

(D) handles currency.

(b) The commission is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is employed in or is an applicant for a security-sensitive position.

(c) Criminal history record information obtained by the commission under Subsection (b) may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the information.

(d) The commission shall destroy criminal history record information that relates to a person after the information is used to make an employment decision or to take a personnel action relating to the person who is the subject of the information.

Added by Acts 1997, 75th Leg., ch. 1366, § 1, eff. Sept. 1, 1997. Renumbered from V.T.C.A., Government Code § 411.132 by Acts 1999, 76th Leg., ch. 62, § 19.01(38), eff. Sept. 1, 1999.

Library References

Criminal Law ¶1226(2).
Westlaw Topic No. 110.
C.J.S. Criminal Law § 1734.

§ 411.135. Access to Certain Information by Public

(a) Any person is entitled to obtain from the department:

(1) any information described as public information under Chapter 62, Code of Criminal Procedure, as added by Chapter 668, Acts of the 75th Legislature, Regular Session, 1997, including, to the extent available, a recent photograph of each person subject to registration under that chapter; and

(2) criminal history record information maintained by the department that relates to the conviction of or a grant of deferred adjudication to a person for any criminal offense, including arrest information that relates to the conviction or grant of deferred adjudication.

(b) The department by rule shall design and implement a system to respond to electronic inquiries and other inquiries for information described by Subsection (a).

(c) A person who obtains information from the department under Subsection (a) may:

(1) use the information for any purpose; or

§ 411.135

EXECUTIVE BRANCH
Title 4

(2) release the information to any other person.

Added by Acts 1997, 75th Leg., ch. 747, § 2, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 1415, § 21, eff. Sept. 1, 1999.

Historical and Statutory Notes

Section 32 of Acts 1999, 76th Leg., ch. 1415 provides:

"The Texas Department of Public Safety shall implement the system described by Section 411.135, Government Code, as amended by this Act, not later than January 1, 2000."

Section 3 of Acts 1997, 75th Leg., ch. 747, provides:

"The Department of Public Safety shall implement the system described by Section 411.135,

Government Code, as added by this Act, no later than January 1, 1998."

Former Sections:

Another § 411.135, Access to Criminal History Record Information: State Bar of Texas, as added by Acts 1997, 75th Leg., ch. 440, § 1, was renumbered as V.T.C.A., Government Code § 411.1005 by Acts 1999, 76th Leg., ch. 62, § 19.01(39).

Library References

Criminal Law ¶1226(2).
Westlaw Topic No. 110.
C.J.S. Criminal Law § 1734.

Research References

Treatises and Practice Aids

Dix and Dawson, 43B Tex. Prac. Series
§ 48.08, Order of Nondisclosure-Effects of
Order.

§ 411.136. Access to Criminal History Record Information: Certain Hospitals and Hospital Districts

(a) In this section:

(1) "Public hospital" means a hospital that is owned, operated, or leased by a county, municipality, or hospital authority.

(2) "Nonprofit hospital" means a hospital that is exempt from federal taxation under Section 501(a), Internal Revenue Code of 1986, as amended, by being listed as an exempt entity under Section 501(c)(3) of that code.

(b) A public or nonprofit hospital or hospital district is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for employment or a volunteer position with the hospital or district;

(2) an employee of or a volunteer with the hospital or district; or

(3) an applicant for employment with or an employee of a person or business that contracts with the hospital or district.

(c) The public or nonprofit hospital or hospital district shall adopt a uniform method to obtain criminal history information from persons described by Subsection (b). The hospital or district may require the complete name,

DEPAF
Ch. 411

driver's
sons.

(d) T
or den
person

(1)
tion (

(2)
defer
empl

(e) A
hospita
intende
hospita
tion to
conduc
quired

(f) T
dures f
use of
tor's de
district

(g) A
govern
district
or dist

Added i
78th Le

Crimi
Westl
C.J.S.

Encyclo
TX Ju
Ger
cilit
TX Ju
Ger

§ 411

The
depar
that r