



To: Charles Falck, Criminal Prosecutions Division, Mail Code 048
From: Tamara Smith, Open Records Division
Date: September 11, 2020
Subject *Complaints filed pursuant section 552.3215 of the Government Code*

PRIVILEGED AND CONFIDENTIAL ATTORNEY—CLIENT COMMUNICATION

Attached is a complaint from Mr. Jack Winters filed under section 552.3215 of the Texas Government Code against the City of Big Sandy. Please let us know if you have any questions or need any additional information. Thank you.

Jack Winters
PO Box 9418
Tyler TX 75711
(903) 617-0413

Received by Open Records

SEP 09 2020

September 4, 2020

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

Attorney General,

Pursuant to Section 552.3215 of the Texas Public Information Act, this letter services as a Formal Complaint against Tim Scott, Chief of Police for the City of Big Sandy, Texas. This complaint alleges that Mr. Scott has failed to provide the documents I have requested thru Texas's Public Information Act. A Formal Complaint was filed with the Upshur County District Attorney and no communication was received 31 days after filing the complaint.

Below is a timeline of my request.

- 02/10/20 Initial request for Tim Scott's Civil Service Jacket
- 02/17/20 Reply from Big Sandy's Attorney
- 02/20/20 Letter sent to Big Sandy's Attorney amending request to read Tim Scott's Employee File.
- 06/02/20 Follow up letter to Big Sandy's attorney requesting the responsive documents.
- 06/24/20 Informal Complaint filed with Texas Attorney General (Online)
- 07/27/20 Formal Complaint filed with Upshur County District Attorney.
- 09/03/20 No communications from Upshur County District Attorney regarding complaint.
- 09/04/20 Formal Complaint filed with Texas Attorney General.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Winters", with a long, sweeping horizontal line extending to the right.

Jack Winters

Enclosures: Encl 1 – Initial Request
 Encl 2 – Reply from Big Sandy's Attorney
 Encl 3 – Letter amending request
 Encl 4 – Follow up letter requesting documents
 Encl 5 – Formal Complaint sent to Upshur County District Attorney

FLOWERS ♦ DAVIS, P.L.L.C.

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TELEPHONE: (903) 592-8186

February 17, 2020

Jack Winters
P.O. Box 9418
Tyler, Texas 75711-9418

Via CC/RRR: 7016 0600 0000 1935 4181
Via Email:

Re: Open Records Requests to the City of Big Sandy dated February 10, 2020.

Dear Mr. Winters:

Please be advised that this law firm represents the City of Big Sandy regarding your information request dated February 10, 2020.

The City of Big Sandy is not a "Civil Service" municipality and has no "Civil Service Files". Consequently, there are no records responsive to your request. In light of that fact, it is unclear as to what documents you are actually seeking. Please clarify your request as it is unclear exactly what information is being requested.

We may be able to work together to clarify and narrow the scope and provide the relevant materials within an agreed time frame. Our agreement would mean that no AG Opinion would have to be requested at this time. Under Section 552.222 of the Texas Public Information Act, if you do not respond to this request for clarification by the 61st day after the request for clarification is sent, your request is considered withdrawn.

You can respond by letter, email (rsd@flowersdavis.com) or you can reach me by phone at 903-520-4525.

Very truly yours,



Robert S. Davis

RSD/eju

Jack Winters
PO Box 9418
Tyler TX 75711-9418
(903) 617-0413

February 20, 2020

Robert Davis
Flowers Davis PLLC
1021 ESE Loop 323 Suite 200
Tyler, Texas 75701

Re: Open Records Requests to the City of Big Sandy dated February 10, 2020.

Mr. Davis,

Thank you very much for your quick response to my Public Information Request. I am going to take this time to amend my request and correct some errors I made within it.

Original request:

- Please provide any and all documents, files, photographs in the Civil Service Files excluding any confidential information that is deemed protected by law, statute or Texas Attorney General ruling for the following officer(s): Chief of Police.

Replace with:

- Please provide any and all documents, files, photographs in Chief Tim Scott's Personnel File. This may also be known as his Employee File. The department may exclude any confidential information deemed protected by law, statute or Attorney General ruling.

Thank you very much in your prompt attention to this request.

Sincerely,

Jack Winters

CC: Chief Tim Scott

Jack Winters
PO Box 9418
Tyler TX 75711
(903) 617-0413

June 3, 2020,

Robert Davis
Council for the City of Big Sandy
1021 ESE Loop 323 Suite 200
Tyler TX 75701

Re: Open request to the City of Big Sandy dated February 10, 2020.

Mr. Davis,

I am still waiting on the responsive documents from my request. On February 20, 2020 I sent an amendment to my original request to you requesting Tim Scott's Personnel File. To date I have not received any correspondence from you or the City indicating if the documents will be provided. Could provide me with an update on my request.

Sincerely,

Jack Winters

Enclosures:

- Encl. 1 – Original open records request.
- Encl. 2 – Response from City's Attorney.
- Encl. 3 Amended open records request.

Jack Winters
PO Box 9418
Tyler TX 75711

July 27, 2020

Billy Byrd
District Attorney
405 North Titus
Gilmer, TX 75644

Mr. Byrd,

Pursuant to Section 552.3215 of the Texas Public Information Act, this letter services as a Formal Complaint against Tim Scott, Chief of Police for the City of Big Sandy, Texas.

This complaint alleges that Mr. Scott has failed to provide the documents I have requested thru Texas's Public Information Act.

Below is a timeline of my request.

02/10/20	Initial request for Tim Scott's Civil Service Jacket
02/17/20	Reply from Big Sandy's Attorney
02/20/20	Response sent to Big Sandy's Attorney amending request to read Tim Scott's Employee File.
06/02/20	Follow up letter to Big Sandy's attorney requesting the responsive documents. Sent Certified Mail with Return Receipt. Tracking Number 7019 2280 0000 3245 7334.
06/24/20	Informal Complaint filed with OAG. (Online only – no confirmation received)
07/27/20	Formal Complaint filed with Upshur County District Attorney.

Sincerely,

Jack Winters

Enclosures:

- Encl 1 – Initial Request**
- Encl 2 – Reply from Big Sandy's Attorney**
- Encl 3 – Letter amending request**
- Encl 4 – Follow up letter requesting documents**



July 30, 2020

Dear Jack Winters:

The following is in response to your request for proof of delivery on your item with the tracking number:
9410 8116 9900 0905 9148 28.

Item Details

Status:	Delivered
Status Date / Time:	July 29, 2020, 9:33 am
Location:	GILMER, TX 75644
Postal Product:	Priority Mail®
Extra Services:	Signature Confirmation™ Up to \$50 insurance included
Recipient Name:	BILLY BYRD UPSHUR COUNTY DISTRICT ATTORNEY
Actual Recipient Name:	B BYRD

Note: Actual Recipient Name may vary if the intended recipient is not available at the time of delivery.

Shipment Details

Weight:	2.0oz
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Destination Delivery Address

Street Address:	405 TITUS ST
City, State ZIP Code:	GILMER, TX 75644-1930

Recipient Signature

Signature of Recipient:	Billy 1-2 19
Address of Recipient:	405 1-2 19

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004