

# DOLCEFINO CONSULTING

December 16, 2016

Mayor  
Communications & Public Information Office  
City of Austin  
301 W. Second St.  
Austin, TX 78701

via email: [public.information@austintexas.gov](mailto:public.information@austintexas.gov)

This will serve as a formal request to inspect and if desired obtain copies of records under provisions of The Public Information Act, Texas Government Code Chapter 552. If the documents are available in an electronic format Dolcefino Consulting authorizes payment for production. You may redact any information made confidential under state law.

Dolcefino Consulting seeks the following documents:

1. Documents relating to the employment of Robert Spillar, Warner Derr, Jason Redfern, Austin Talley, Carlton Thomas, Gregory Pepper, Timothy Vogt, Eva Moore, Daniel Hunter, Edward Bryant and Eddie Flores.
  - a. This includes but is not limited to: Resumes, Job Applications, Personnel Records, Disciplinary Records, Public Complaints and Job Evaluations.
2. E-Mail Communications sent or received after January 1<sup>st</sup>, 2016 by Robert Spillar, Warner Derr, Jason Redfern, Austin Talley, Carlton Thomas, Gregory Pepper, Timothy Vogt, Eva Moore, Daniel Hunter, Edward Bryant and Eddie Flores.
3. Detailed phone records, text messages, video messages, picture messages or any other form of electronic communications sent or received after January 1<sup>st</sup>, 2016 by Robert Spillar, Warner Derr, Jason Redfern, Austin Talley, Carlton Thomas, Gregory Pepper, Timothy Vogt, Eva Moore, Daniel Hunter, Edward Bryant and Eddie Flores.

Thank you in advance for your cooperation.

If you have any questions or need additional information, please contact me at 713-360-6911.

Respectfully,



Wayne Dolcefino  
Dolcefino Consulting

3701 Kirby, Suite 560  
Houston, Texas 77098  
713-360-6911

Mobile: 713-389-0810

[www.dolcefino.com](http://www.dolcefino.com)

[wayne@dolcefino.com](mailto:wayne@dolcefino.com)

# /

## Wayne Dolcefino

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**From:** Garcia, Allison <Allison.Garcia@austintexas.gov>  
**Sent:** Friday, January 6, 2017 3:43 PM  
**To:** Wayne Dolcefino  
**Subject:** FW: Public Information Request - Clarification Needed

Good afternoon,

I received an email from Alicia Dean in the Public Information Office about your request. We did receive your request and I sent the below email to you because we need clarification before we can move forward with processing. Once I receive a clarification from you we can move on with processing.

Thank you,



Allison Garcia | Administrative Assistant | 512-974-2115

City of Austin Law Department | 301 W. 2<sup>nd</sup> St, Austin TX 78701

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**From:** Garcia, Allison  
**Sent:** Wednesday, December 21, 2016 10:21 AM  
**To:** 'wayne@dolcefino.com'  
**Subject:** Public Information Request - Clarification Needed

Good morning,

I am reaching out on behalf of the responding departments for your following request:

Dolcefino Consulting seeks the following documents:

1. Documents relating to the employment of Robert Spillar, Warner Derr, Jason Redfern, Austin Talley, Carlton Thomas, Gregory Pepper, Timothy Vogt, Eva Moore, Daniel Hunter, Edward Bryant and Eddie Flores.

a. This includes but is not limited to: Resumes, Job Applications, Personnel Records, Disciplinary Records, Public Complaints and Job Evaluations.

2. E-Mail Communications sent or received after January 1st, 2016 by Robert Spillar, Warner Derr, Jason Redfern, Austin Talley, Carlton Thomas, Gregory Pepper, Timothy Vogt, Eva Moore, Daniel Hunter, Edward Bryant and Eddie Flores.

3. Detailed phone records, text messages, video messages, picture messages or any other form of electronic communications sent or received after January 1st, 2016 by Robert Spillar, Warner Derr, Jason Redfern, Austin Talley, Carlton Thomas, Gregory Pepper, Timothy Vogt, Eva Moore, Daniel Hunter, Edward Bryant and Eddie Flores.

Is there a specific topic or specific topics that you are searching for? Without a clarification on subject matter this request will be voluminous.

Please respond within 60 calendar days so I can let the department know, if you do not respond in 60 days your request will be considered closed.

Thank you,



Allison Garcia | Administrative Assistant | 512-974-2115

City of Austin Law Department | 301 W. 2<sup>nd</sup> St, Austin TX 78701

## Wayne Dolcefino

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**From:** Wayne Dolcefino  
**Sent:** Friday, January 6, 2017 4:20 PM  
**To:** Garcia, Allison  
**Cc:** alicia.dean@austintexas.gov; Lori Breedlove; Dolcefino Research  
**Subject:** RE: Public Information Request - Clarification Needed

Not sure which specific request you need clarification for. The phone records and personnel records, or the e-mail communications. No clarification is required, nor will Dolcefino Consulting detail a specific topic. We will inspect the e-mails, with the appropriate redactions. Please send us a cost estimate. Thank you. Many of these records should be available for inspection now.

**From:** Garcia, Allison [mailto:Allison.Garcia@austintexas.gov]  
**Sent:** Friday, January 6, 2017 3:43 PM  
**To:** Wayne Dolcefino <wayne@dolcefino.com>  
**Subject:** FW: Public Information Request - Clarification Needed

Good afternoon,

I received an email from Alicia Dean in the Public Information Office about your request. We did receive your request and I sent the below email to you because we need clarification before we can move forward with processing. Once I receive a clarification from you we can move on with processing.

Thank you,



Allison Garcia | Administrative Assistant | 512-974-2115  
City of Austin Law Department | 301 W. 2<sup>nd</sup> St, Austin TX 78701

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**From:** Garcia, Allison  
**Sent:** Wednesday, December 21, 2016 10:21 AM  
**To:** 'wayne@dolcefino.com'  
**Subject:** Public Information Request - Clarification Needed

Good morning,

I am reaching out on behalf of the responding departments for your following request:

Dolcefino Consulting seeks the following documents:

1. Documents relating to the employment of Robert Spillar, Warner Derr, Jason Redfern, Austin Talley, Carlton Thomas, Gregory Pepper, Timothy Vogt, Eva Moore, Daniel Hunter, Edward Bryant and Eddie Flores.
  - a. This includes but is not limited to: Resumes, Job Applications, Personnel Records, Disciplinary Records, Public Complaints and Job Evaluations.
2. E-Mail Communications sent or received after January 1st, 2016 by Robert Spillar, Warner Derr, Jason Redfern, Austin Talley, Carlton Thomas, Gregory Pepper, Timothy Vogt, Eva Moore, Daniel Hunter, Edward Bryant and Eddie Flores.

3. Detailed phone records, text messages, video messages, picture messages or any other form of electronic communications sent or received after January 1st, 2016 by Robert Spillar, Warner Derr, Jason Redfern, Austin Talley, Carlton Thomas, Gregory Pepper, Timothy Vogt, Eva Moore, Daniel Hunter, Edward Bryant and Eddie Flores.

Is there a specific topic or specific topics that you are searching for? Without a clarification on subject matter this request will be voluminous.

Please respond within 60 calendar days so I can let the department know, if you do not respond in 60 days your request will be considered closed.

Thank you,



Allison Garcia | Administrative Assistant | 512-974-2115

City of Austin Law Department | 301 W. 2<sup>nd</sup> St, Austin TX 78701



City of Austin

# Law Department

301 W. 2<sup>nd</sup> Street, P. O. Box 1088  
Austin, Texas 78764-1088  
(512) 974-2268

Date: January 19, 2017

VIA E- MAIL

Name: Wayne Dolcefino

Re: Public Information Request PIR # 31437 submitted to the City of Austin for records pertaining to the following:

“1. Documents relating to the employment of Robert Spillar, Warner Derr, Jason Redfern, Austin Talley, Carlton Thomas, Gregory Pepper, Timothy Vogt, Eva Moore, Daniel Hunter, Edward Bryant and Eddie Flores.

a. This includes but is not limited to: Resumes, Job Applications, Personnel Records, Disciplinary Records, Public Complaints and Job Evaluations.

2. E-Mail Communications sent or received after January 1st, 2016 by Robert Spillar, Warner Derr, Jason Redfern, Austin Talley, Carlton Thomas, Gregory Pepper, Timothy Vogt, Eva Moore, Daniel Hunter, Edward Bryant and Eddie Flores.

3. Detailed phone records, text messages, video messages, picture messages or any other form of electronic communications sent or received after January 1st, 2016 by Robert Spillar, Warner Derr, Jason Redfern, Austin Talley, Carlton Thomas, Gregory Pepper, Timothy Vogt, Eva Moore, Daniel Hunter, Edward Bryant and Eddie Flores.”

On behalf of the City of Austin (“the City”), this letter responds to your public information request. This letter is to provide you with an estimate of costs necessary to provide the information responsive to your request.

## Fee Estimate

This estimate is provided to you as required by sections 552.2615 of the Government Code and the Texas Attorney General’s cost rules. The City estimates it will require 5,861 hours of personnel time for staff to locate, compile, redact, and reproduce the requested information.

# 4

Under current state statutes and administrative rules, the total estimated cost is as follows:

Personnel Time	5,861 hours at \$15.00/Hr.	\$ 87,915.00
Overhead Charge	\$87,915 at 20%	\$ 17,583.00
Total Pages	274,985 pgs at \$.10/ea	\$ <u>27,498.50</u>
<b>Total</b>		<b>\$132,996.50</b>

The estimated charges exceed \$100.00; therefore, as allowed by section 552.263(a) of the Government Code, we require a deposit of \$66,498.25 (50 % of \$ 132,996.50) before starting work on your request. You may contact the City to discuss ways of narrowing your request to reduce the costs. Because of the scope of the request, the City estimates the responsive information will completely fill more than six archival boxes and more than five hours of labor will be required to make the information available for inspection.

Please respond within ten business days.

Please be advised that under section 552.2615 of the Government Code, your request will be considered automatically withdrawn if you do not notify us in writing and within 10 (ten) business days from the date of this statement that you:

- a. Accept the charges and agree to pay;
- b. Modify your request; or
- c. Have sent to the Cost Rules Administrator at the Office of the Attorney General a complaint alleging that you have been overcharged for being provided with a copy of the public information.

You may respond to this estimate by delivering a written response to the City by mail, in person, or by electronic mail. If you agree to accept these charges you may send a copy of this letter with a check or money order payable to: "City of Austin". Please address the envelope to City of Austin Attn: Public Information Requests, Law Department, P.O. Box 1088, Austin, TX 78767. The information will be made available as soon as reasonably possible upon receipt of your payment.

Thank you,

Kristin Treviño  
Law Department – PIR Team  
City of Austin

## Wayne Dolcefino

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**From:** Wayne Dolcefino  
**Sent:** Thursday, January 19, 2017 4:12 PM  
**To:** Trevino, Kristin  
**Cc:** Brown, Amanda  
**Subject:** RE: PIR 31437

We are entitled to a delineation of the estimate for each specific request, before I respond.

I did get a good laugh thanks.

**From:** Trevino, Kristin [mailto:Kristin.Trevino@austintexas.gov]  
**Sent:** Thursday, January 19, 2017 4:04 PM  
**To:** Wayne Dolcefino <wayne@dolcefino.com>  
**Cc:** Brown, Amanda <Amanda.Brown@austintexas.gov>  
**Subject:** PIR 31437

Good afternoon,

Please see the attached cost estimate and respond in accordance to the options as outlined on page two of the cost estimate.

Thank you,



Kristin Treviño | Customer Solutions Coordinator | 512-974-2268  
City of Austin Law Department | 301 W. 2<sup>nd</sup> St, Austin TX 78701

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**From:** Wayne Dolcefino [mailto:wayne@dolcefino.com]  
**Sent:** Wednesday, January 18, 2017 5:48 PM  
**To:** Trevino, Kristin  
**Cc:** Brown, Amanda  
**Subject:** RE: Public Information Request - Clarification Needed

Tristin,

It has been almost a month since our original request. Your clarification was not even a request for clarification, just an attempt to narrow down our request under state law. This level of response is simply unacceptable. There is absolutely no reason why these personnel records and these cell phone records are not already in our possession.

I want a phone call tomorrow from the City Attorney to further discuss.

**From:** Trevino, Kristin [mailto:Kristin.Trevino@austintexas.gov]  
**Sent:** Friday, January 13, 2017 4:11 PM  
**To:** Wayne Dolcefino <wayne@dolcefino.com>  
**Cc:** Brown, Amanda <Amanda.Brown@austintexas.gov>  
**Subject:** RE: Public Information Request - Clarification Needed



Good afternoon,

In regards to your public information request (PIR 31437), the City is gathering information for its cost estimate based on your clarification. This information is voluminous and requires response from multiple departments. We are diligently working on your request and will provide you a cost estimate as soon as it's available.

Thank you,



Kristin Treviño | Customer Solutions Coordinator | 512-974-2268

City of Austin Law Department | 301 W. 2nd St, Austin TX 78701

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**From:** Wayne Dolcefino [  
**Sent:** Friday, January 06, 2017 4:20 PM  
**To:** Garcia, Allison  
**Cc:** Dean, Alicia; Lori Breedlove; Dolcefino Research  
**Subject:** RE: Public Information Request - Clarification Needed

Not sure which specific request you need clarification for. The phone records and personnel records, or the e-mail communications. No clarification is required, nor will Dolcefino Consulting detail a specific topic. We will inspect the e-mails, with the appropriate redactions. Please send us a cost estimate. Thank you. Many of these records should be available for inspection now.

**From:** Garcia, Allison [<mailto:Allison.Garcia@austintexas.gov>]  
**Sent:** Friday, January 6, 2017 3:43 PM  
**To:** Wayne Dolcefino <[wayne@dolcefino.com](mailto:wayne@dolcefino.com)>  
**Subject:** FW: Public Information Request - Clarification Needed

Good afternoon,

I received an email from Alicia Dean in the Public Information Office about your request. We did receive your request and I sent the below email to you because we need clarification before we can move forward with processing. Once I receive a clarification from you we can move on with processing.

Thank you,



Allison Garcia | Administrative Assistant | 512-974-2115

City of Austin Law Department | 301 W. 2nd St, Austin TX 78701

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**From:** Garcia, Allison  
**Sent:** Wednesday, December 21, 2016 10:21 AM  
**To:** 'wayne@dolcefino.com'  
**Subject:** Public Information Request - Clarification Needed

Good morning,

I am reaching out on behalf of the responding departments for your following request:

Dolcefino Consulting seeks the following documents:

1. Documents relating to the employment of Robert Spillar, Warner Derr, Jason Redfern, Austin Talley, Carlton Thomas, Gregory Pepper, Timothy Vogt, Eva Moore, Daniel Hunter, Edward Bryant and Eddie Flores.

a. This includes but is not limited to: Resumes, Job Applications, Personnel Records, Disciplinary Records, Public Complaints and Job Evaluations.

2. E-Mail Communications sent or received after January 1st, 2016 by Robert Spillar, Warner Derr, Jason Redfern, Austin Talley, Carlton Thomas, Gregory Pepper, Timothy Vogt, Eva Moore, Daniel Hunter, Edward Bryant and Eddie Flores.

3. Detailed phone records, text messages, video messages, picture messages or any other form of electronic communications sent or received after January 1st, 2016 by Robert Spillar, Warner Derr, Jason Redfern, Austin Talley, Carlton Thomas, Gregory Pepper, Timothy Vogt, Eva Moore, Daniel Hunter, Edward Bryant and Eddie Flores.

Is there a specific topic or specific topics that you are searching for? Without a clarification on subject matter this request will be voluminous.

Please respond within 60 calendar days so I can let the department know, if you do not respond in 60 days your request will be considered closed.

Thank you,



Allison Garcia | Administrative Assistant | 512-974-2115

City of Austin Law Department | 301 W. 2<sup>nd</sup> St, Austin TX 78701



City of Austin

# Law Department

301 W. 2<sup>nd</sup> Street, P. O. Box 1088  
Austin, Texas 78764-1088  
(512) 974-2268

Date: February 2, 2017

VIA E- MAIL

Name: Wayne Dolcefino

Re: Public Information Request # 31437 submitted to the City of Austin for records pertaining to the following:

"1. Documents relating to the employment of Robert Spillar, Warner Derr, Jason Redfern, Austin Talley, Carlton Thomas, Gregory Pepper, Timothy Vogt, Eva Moore, Daniel Hunter, Edward Bryant and Eddie Flores.

a. This includes but is not limited to: Resumes, Job Applications, Personnel Records, Disciplinary Records, Public Complaints and Job Evaluations.

2. E-Mail Communications sent or received after January 1st, 2016 by Robert Spillar, Warner Derr, Jason Redfern, Austin Talley, Carlton Thomas, Gregory Pepper, Timothy Vogt, Eva Moore, Daniel Hunter, Edward Bryant and Eddie Flores.

3. Detailed phone records, text messages, video messages, picture messages or any other form of electronic communications sent or received after January 1st, 2016 by Robert Spillar, Warner Derr, Jason Redfern, Austin Talley, Carlton Thomas, Gregory Pepper, Timothy Vogt, Eva Moore, Daniel Hunter, Edward Bryant and Eddie Flores."

On behalf of the City of Austin (the "City"), this letter responds to your public information request. This letter is to provide you with an estimate of costs necessary to provide the information responsive to your request for inspection.

## Fee Estimate

This estimate is provided to you as required by sections 552.2615 of the Government Code and the Texas Attorney General's cost rules. The City estimates it will require 5,861 hours of personnel time for staff to locate, compile, redact, and reproduce all of the requested information for inspection.

Under current state statutes and administrative rules, the total estimated cost is as follows for Public Works Department:

Personnel Time	10 hours at \$15.00/Hr.	\$ 150.00
Overhead Charge	\$150 at 20%	\$ 30.00
Total Pages	126 pgs at \$.10/ea	\$ <u>12.60</u>
<b>Total</b>		<b>\$ 192.60</b>

# 6

Under current state statutes and administrative rules, the total estimated cost is as follows for Human Resources Department:

Personnel Time	11 hours at \$15.00/Hr.	\$ 165.00
Overhead Charge	\$165 at 20%	\$ 33.00
Total Pages	1200 pgs at \$.10/ea	\$ <u>120.00</u>
<b>Total</b>		<b>\$ 318.00</b>

Under current state statutes and administrative rules, the total estimated cost is as follows for Austin Transportation Department:

Personnel Time	5840 hours at \$15.00/Hr.	\$ 87,600.00
Overhead Charge	\$87,600 at 20%	\$ 17,520.00
Total Pages	273,659 pgs at \$.10/ea	\$ <u>27,365.90</u>
<b>Total</b>		<b>\$132,485.90</b>

The total charge for all departments is \$132,996.50. The total estimated charges for all requested information exceeds \$100.00; therefore, as allowed by section 552.263(a) of the Government Code, we require prepayment of the total amount before starting work on your request. You may contact the City to discuss ways of narrowing your request to reduce the costs. Because of the scope of the request, the City estimates all of the responsive information will completely fill more than six archival boxes and more than five hours of labor will be required to make all of the information available for inspection.

Please respond within ten business days.

Please be advised that under section 552.2615 of the Government Code, your request will be considered automatically withdrawn if you do not notify us in writing and within 10 (ten) business days from the date of this statement that you:

- a. Accept the charges and agree to pay;
- b. Modify your request; or
- c. Have sent to the Cost Rules Administrator at the Office of the Attorney General a complaint alleging that you have been overcharged for being provided with a copy of the public information.

You may respond to this estimate by delivering a written response to the City by mail, in person, or by electronic mail. If you agree to accept these charges you may send a copy of this letter with a check or money order payable to: "City of Austin". Please address the envelope to City of Austin Attn: Public Information Requests, Law Department, P.O. Box 1088, Austin, TX 78767. The information will be made available as soon as reasonably possible upon receipt of your payment.

Thank you,

Neal Falgoust  
Assistant City Attorney  
City of Austin

## Lori Breedlove

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**From:** Wayne Dolcefino  
**Sent:** Friday, February 3, 2017 11:40 AM  
**To:** Trevino, Kristin; Dolcefino Research  
**Cc:** Brown, Amanda; Cris Feldman  
**Subject:** RE: Follow up to yesterday's phone call

Ms. Trevino,

Dolcefino Consulting is preparing a response to the City of Austin,

This is formal notice to make sure you instruct all employees of the City of Austin involved in this request, or in the response to this request, to retain all communications.

No items should be deleted from any device used to conduct City of Austin business, and any social media accounts. That includes members of the Austin law department, who are now fact witnesses because of your refusal to provide the information requested.

We are preparing separate correspondence to the Travis County District Attorney Public Integrity Unit.

**From:** Trevino, Kristin [mailto:Kristin.Trevino@austintexas.gov]  
**Sent:** Thursday, February 2, 2017 4:06 PM  
**To:** Dolcefino Research <research@dolcefino.com>  
**Cc:** Wayne Dolcefino <wayne@dolcefino.com>; Brown, Amanda <Amanda.Brown@austintexas.gov>  
**Subject:** RE: Follow up to yesterday's phone call

Good afternoon,

Please see the attached cost estimate broken down by department.

Thank you,



Kristin Treviño | Customer Solutions Coordinator | 512-974-2268  
City of Austin Law Department | 301 W. 2<sup>nd</sup> St, Austin TX 78701

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**From:** Dolcefino Research [mailto:research@dolcefino.com]  
**Sent:** Wednesday, February 01, 2017 5:07 PM  
**To:** Trevino, Kristin  
**Cc:** Wayne Dolcefino  
**Subject:** RE: Follow up to yesterday's phone call  
**Importance:** High

Good Afternoon Ms. Trevino,

While I appreciate you sending the cost estimate by department, it really doesn't provide us much in the way of information we can use to narrow our scope. I have spoken with Wayne and he says that "we aren't playing this game." We will agree to the Human Resources and Public Works hours and overhead, however we will come and

inspect documents, and identify copies if they are needed. The records could also be provided electronically on a CD, or via email. Please let me know how to make out the check with regards to these documents.

Your Transportation department identifies 273,659 sheets of paper necessary to comply with our request. That figure must have been arrived at by some method. There must be a count of how many emails have been identified per person. We must be provided that breakdown in order to potentially narrow our request. There is no other way.

The notion that it will take two and a half years (146 weeks) for one person, or even 29 weeks for 5 people working on nothing but our request to produce the documents is absurd. City phone records can be provided electronically, and personal cell phone records can be accessed from the provider. The only person who can redact personal cell phone records is the person who uses that phone.

Ms. Trevino, our time is short. Failing to provide us with a way to narrow the scope of our request will ultimately find us all in court, at which point I believe a Judge will review your Public Information Estimate, laugh and order you to release the records to us anyway. Wayne has said that we will bypass the issuance of a criminal complaint, and head straight to court.

I look forward to your response.

Jessica Strahinic  
Researcher  
Dolcefino Consulting  
[research@dolcefino.com](mailto:research@dolcefino.com)  
3701 Kirby Suite 560  
Houston, Texas 77098  
O:713-360-6911

PLEASE MAKE NOTE OF OUR NEW ADDRESS, OFFICE PHONE AND E-MAIL ADDRESS

This e-mail and any attachment are considered confidential to Dolcefino Consulting and may be privileged or otherwise protected from disclosure. It is solely intended for the person(s) named above. If you are not the intended recipient, any reading, use, disclosure, copying or distribution of all or parts of this e-mail or associated attachments is strictly prohibited.

**From:** Trevino, Kristin [<mailto:Kristin.Trevino@austintexas.gov>]  
**Sent:** Wednesday, February 1, 2017 1:24 PM  
**To:** Dolcefino Research <[research@dolcefino.com](mailto:research@dolcefino.com)>  
**Subject:** RE: Follow up to yesterday's phone call

Good afternoon,

This is the cost estimate information broken down by department. As we discussed, this is based on each department's responsiveness to the entire request.

#### Human Resources

11	# of hours	\$15.00	\$165.00
	Overhead	20%	\$33.00
1200	# of physical sheets of paper	\$0.10	\$120.00
			<u>\$318.00</u>

#### Public Works Department

10	# of hours	\$15.00	\$150.00
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	Overhead	20%	\$30.00
126	# of physical sheets of paper	\$0.10	\$12.60
			<u>\$192.60</u>

Austin Transportation Department

5840	# of hours	\$15.00	\$87,600.00
	Overhead	20%	\$17,520.00
273659	# of physical sheets of paper	\$0.10	\$27,365.90
			<u>\$132,485.90</u>

Please let me know if you wish to narrow the scope of the request.

Thank you,



Kristin Treviño | Customer Solutions Coordinator | 512-974-2268  
City of Austin Law Department | 301 W. 2<sup>nd</sup> St, Austin TX 78701

**From:** Dolcefino Research [<mailto:research@dolcefino.com>]

**Sent:** Wednesday, February 01, 2017 12:34 PM

**To:** Trevino, Kristin

**Cc:** Wayne Dolcefino

**Subject:** Follow up to yesterday's phone call

Good Afternoon Ms. Trevino,

I just wanted to follow up with you regarding our phone call yesterday. I have not yet received the delineation of the estimate we spoke about. I have spoken to Wayne regarding a narrowing of the request, but we will need to see the delineation first.

Please confirm you have received this and that the information is forthcoming.

Thank you.

Jessica Strahinic  
Researcher  
Dolcefino Consulting  
[research@dolcefino.com](mailto:research@dolcefino.com)

3701 Kirby Suite 560  
Houston, Texas 77098  
O:713-360-6911

PLEASE MAKE NOTE OF OUR NEW ADDRESS, OFFICE PHONE AND E-MAIL ADDRESS

This e-mail and any attachment are considered confidential to Dolcefino Consulting and may be privileged or otherwise protected from disclosure. It is solely intended for the person(s) named above. If you are not the intended recipient, any reading, use, disclosure, copying or distribution of all or parts of this e-mail or associated attachments is strictly prohibited.

# DOLCEFINO CONSULTING

February 9, 2017

Attorney General Ken Paxton  
Office of the Attorney General  
Open Records Section  
PO Box 12548  
Austin, TX 78711-2548

via CMRRR: 9414711899564918888042

Re: Complaint of overcharging under the Texas Public Information Act Request

General Paxton,

Dolcefino Consulting files this formal complaint under applicable provisions of Texas State law, accusing the City of Austin of gross overcharging. Specifically, the Transportation department of the City of Austin has attempted to charge \$132,480 for specific categories of documents, claiming responding to the request will require 5840 hours and 273,659 pieces of paper.

What makes this conduct more egregious is that Dolcefino Consulting attempted in good faith to understand the basis for this response. Without specific information on what portions of the request requires up to 2 years to provide, Dolcefino Consulting could not, in good faith, clarify or narrow our request.

We received the formal response from the Neil Falgoust of the City of Austin on February 2, 2017. Dolcefino Consulting hereby files this official complaint on February 8, 2017. Mr. Falgoust has failed to respond to any request to discuss further.

We believe this action is an attempt to stall an investigation into possible misconduct in the Right of Way Section of the Transportation Department.

On December 16, 2016, the Houston based, Investigative Communications Firm, Dolcefino Consulting filed a Texas Public Information Act Request with the Communications and Public Information Office of the City of Austin. The original request is attached as item 1. The request was voluminous, and relates specifically to email communications, detailed phone/text message records and personnel files of 11 people.

The City of Austin alleges they responded, asking for clarification of our request on December 21, 2016. While we have no record of receiving this e-mail communication, we did receive this clarification by January 6, 2017.

3701 Kirby, Suite 560  
Houston, Texas 77098  
713-360-6911

Mobile: 713-389-0810

[www.dolcefino.com](http://www.dolcefino.com)

[wayne@dolcefino.com](mailto:wayne@dolcefino.com)



# DOLCEFINO CONSULTING

We responded that no clarification on our part was necessary, and requested a cost estimate. Attached as items 2 and 3.

On January 19, 2017, Dolcefino Consulting finally received an estimate for our request.

The original estimate is attached as item 4. In summary, the estimate for our public information request amounts to \$132,996.50. Based on the unusual size of the cost estimate, we asked for a delineation of the basis for the estimate. That is the only way for a requestor to decide if particular information was driving the alleged cost of production.

We received no response. Attached as item 5.

Kristen Trevino, the City of Austin law employee handling our request refused to provide this information during a phone call with Ms. Strahinic of our office. Ms. Trevino also refused to provide any communications detailing the specific costs, for e-mail searches.

The revised estimate, received on February 2<sup>nd</sup>, is attached as item 6.

As you can see, the revised estimate states that the Austin Transportation Department requires 5840 hours of personnel time, and 273,659 pieces of paper. This amounts to one person working on solely our request for 2 and half years, or 5 people working solely on our request for over 7 months. The paper amounts to nearly 55 standard boxes of copy paper. We have both offered inspection and information about what is driving the cost so we can evaluate our request.

Dolcefino Consulting's response is attached as item 7. We have accepted the charges from two other City of Austin Departments and expect production for inspection. Failure to provide these documents will necessitate a criminal complaint.

Dolcefino Consulting believes the City of Austin is deliberately acting in bad faith. We request the Attorney General open a formal investigation and all remedies available under Texas law. We have notified the City of Austin to retain all communications regarding this request, in the event Dolcefino Consulting has to litigate this matter.

The City of Austin cannot be allowed to play games with Texas State law, by trying to drive off requests for public information. This request is more than six weeks old.

3701 Kirby, Suite 560  
Houston, Texas 77098  
713-360-6911

Mobile: 713-389-0810

[www.dolcefino.com](http://www.dolcefino.com)

[wayne@dolcefino.com](mailto:wayne@dolcefino.com)

# DOLCEFINO CONSULTING

We appreciate your immediate assistance.

Respectfully,



Wayne Dolcefino  
Dolcefino Consulting

Cc: Neal Falgoust  
Assistant City Attorney  
City of Austin Law Department

via email: [neal.falgoust@austintexas.gov](mailto:neal.falgoust@austintexas.gov)

Document Listing:

1. 121616 - TPIA Request Austin Right of Way.docx
2. FW Public Information Request - Clarification Needed (9).msg
3. RE Public Information Request - Clarification Needed (8).msg
4. PIR 31437 cost estimate.pdf
5. RE PIR 31437 (4).msg
6. PIR 31437 revised.pdf
7. RE Follow up to yesterday's phone call.msg

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## Lori Breedlove

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**From:** Microsoft Outlook  
**To:** neal.falgoust@austintexas.gov  
**Sent:** Thursday, February 9, 2017 10:36 AM  
**Subject:** Relayed: Complaint of overcharging under TPIA

**Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:**

neal.falgoust@austintexas.gov (neal.falgoust@austintexas.gov)

Subject: Complaint of overcharging under TPIA

## Lori Breedlove

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**From:** Falgoust, Neal <Neal.Falgoust@austintexas.gov>  
**To:** Lori Breedlove  
**Sent:** Thursday, February 9, 2017 11:11 AM  
**Subject:** Read: Complaint of overcharging under TPIA

Your message

To:  
Subject: Complaint of overcharging under TPIA  
Sent: Thursday, February 9, 2017 5:10:47 PM (UTC+00:00) Monrovia, Reykjavik

was read on Thursday, February 9, 2017 5:10:43 PM (UTC+00:00) Monrovia, Reykjavik.