

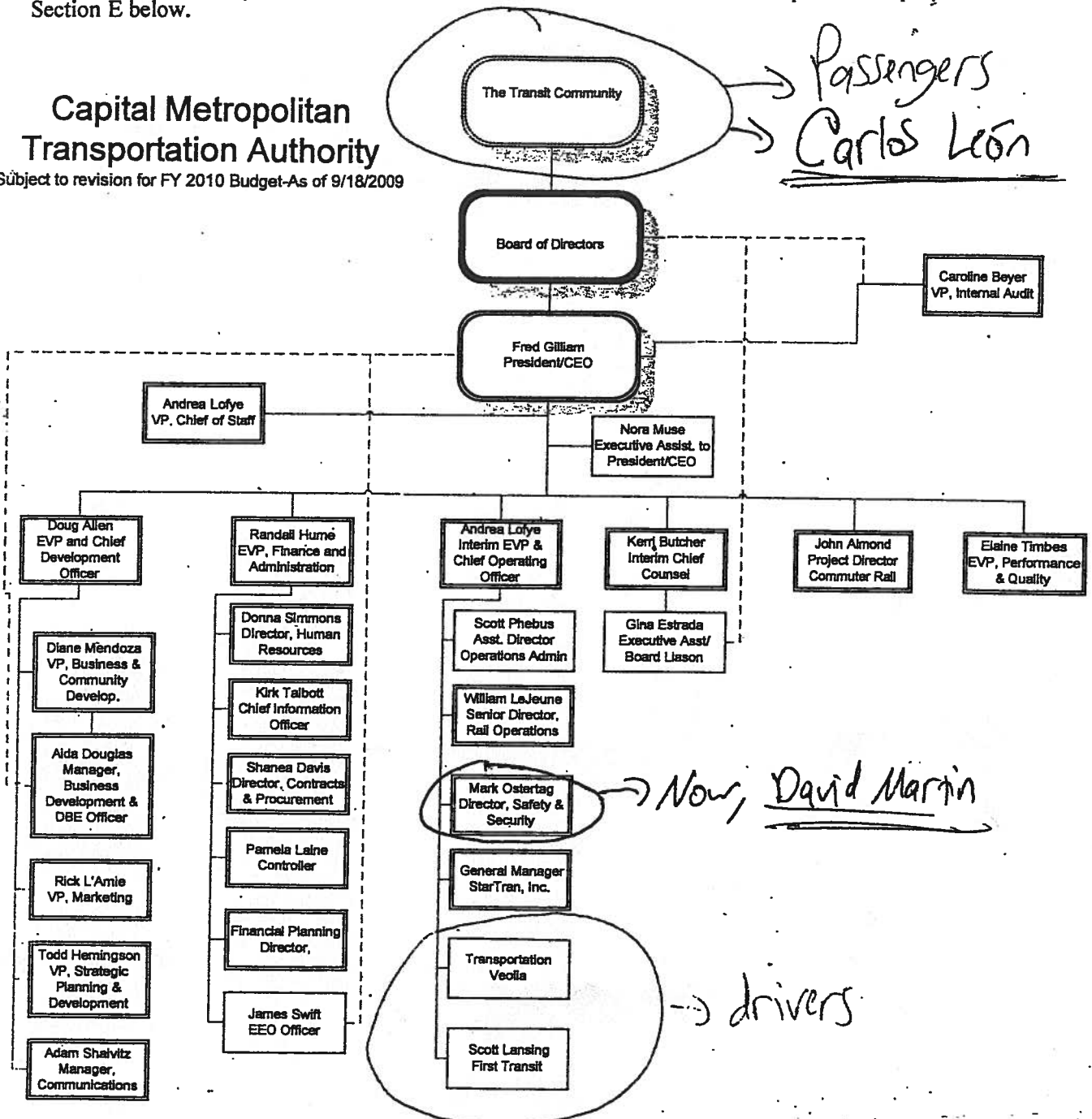
VI. Organization

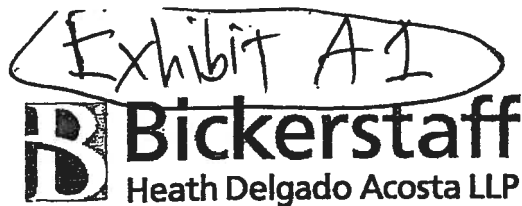
A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division.

See organizational chart on the following page. The number of FTEs for each department is provided in Section E below.

Capital Metropolitan Transportation Authority

Subject to revision for FY 2010 Budget-As of 9/18/2009





July 18, 2016

***Via Certified Mail,
Return Receipt Requested***

The Honorable Ken Paxton
Attorney General of the State of Texas
209 West 14th, 6th Floor
Austin, Texas 78701

ATTENTION: Open Records Division

**Re: Request for Open Records Decision and Letter Brief
Capital Metropolitan Transportation Authority
Request for Information by Mr. Anon Y Mous
Attorney General ID# 626699**

Dear General Paxton:

This Firm serves as legal counsel for Capital Metropolitan Transportation Authority ("Capital Metro"). On behalf of Capital Metro, I respectfully submit this letter brief in support of Capital Metro's request for an Open Records decision from the Office of the Attorney General regarding Capital Metro's authority to withhold certain information from the public. This request is submitted pursuant to the Texas Public Information Act, Texas Government Code, section 552.301.

On June 27, 2016, Mr. Anon Y Mous filed a request for information with Capital Metro. Mr. Anon Y Mous requested the following information:

"For the Islamic, Middle Eastern male driver of complaint of action that took place 6/23/16, 12:17-12:20 PM, Bus # 5062, 803 – Northbound, Sunshine Station, I request:

1) All complaints on file against this driver between 1/1/15 and 6/26/16, starting from the most recent & working back until 1/1/15 or 49 pages; 2) a 3" x 5" photo of driver's face; 3) driver's first & last name.

Note: I limit my request to a total of 50 pages."

A copy of Mr. Anon Y Mous' June 27, 2016 request is attached as **Exhibit A**. A copy of the responsive information sought is attached as **Exhibit B**.

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Capital Metro believes, under the specific circumstances of this case, complying with the second and third part of Mr. Mous' request (i.e., the request for the driver's photograph and name) poses a substantial threat of physical harm and thus is excepted from required disclosure under sections 552.101 and 552.152 of the Act. Capital Metro has released the requested complaints on file, although with the driver's and customers' names redacted while the issue of the availability of the names and photographs is being determined. Authority to redact the customers' names also derives from section 552.101.

Section 552.101

Common Law Right of Physical Safety

The Texas Supreme Court recognizes a common law right of confidentiality when necessary to protect against a substantial risk of physical harm. *Texas Dept. of Public Safety v. Cox Texas Newspapers, L.P.*, 343 S.W.3d 112, 118 (Tex. 2011). If information falls within the common law right of physical safety, then it is considered to be confidential by judicial decision and, thus, is excepted from disclosure under section 552.101. See e.g., Tex. Atty Gen'l OR2008-01570 (special circumstances where release of information would endanger city employees' safety were sufficient to invoke section 552.101 exception).

The Supreme Court has concluded that the standard for proving the common-law right-of-physical-safety exception is whether disclosure of the information would create a substantial threat of physical harm. *Texas Dept. of Public Safety*, 343 S.W.3d at 118. In making the determination, deference must be afforded security professionals and law enforcement experts, although vague assertions of risk will not be sufficient. *Id.* at 119. Among the circumstances found by the Attorney General to invoke the physical-safety exception are threatening statements about coming to a transit authority employee's home, Tex. Atty Gen'l OR2008-03289; threatening statements to city staff, Tex. Atty Gen'l OR2008-01570; and prior harassment of a utility company employee by an specific individual coupled with reason to believe it would resume if the employee's address were revealed. TEX. ATTY GEN'L OPEN REC. DEC. No. 169 (1977).

Here, the request is for the name of a specific bus driver and for the driver's photograph. The concern for the driver's safety comes in large part from the statements and actions of the requestor himself. The affidavit of David J. Martin, the Director of Security for Capital Metro, sets out reasons for security concerns and is attached as **Exhibit C**. While in ordinary circumstances the identity of the requestor would be irrelevant, the Attorney General has found special circumstances creating an exception to disclosure requirements based on threatening statements made by the requestor.¹ Tex. Atty Gen'l OR2008-01570 ("the requestor . . . has made threatening statements to city staff."). Where there is such a direct link between the requestor and the potential threat, the concern is more immediate.

¹ Prior to *Texas Dept. of Public Safety*, the Attorney General employed a similar personal safety exception that was referred to as "special circumstances." E.g., TEX. ATTY GEN'L OPEN REC. DEC. No. 169 (1977).

Factors giving rise to the conclusion of a substantial threat of physical harm include:

- The requestor has given an obviously false name (Anon Y. Mous). At other times (e.g., when speaking to the Capital Metro board) he has given the name Carlos Leon. Presumably that is his real name.
- The requestor stated, specifically in regard to the driver whose identity he seeks, that

driver's actions, words, physical appearance, & faith all point to driver trying to push & enforce Sharia law over Constitutional law on public transportation in Austin, TX, U.S.A. Hell no. Investigate, ID, & excise the secret Sharia network within CAP METRO & deport them to the Middle East, where they can legally practice Sharia law. NOT HERE IN the UNITED STATES OF AMERICA.
- There are appeals today throughout the nation to Islamophobia that have often resulted in violence to persons who are, correctly or incorrectly, assumed to be Muslim.
- The requestor regularly appears at Capital Metro Board meetings, City of Austin Council sessions, and Travis County Commissioners Court meetings where he participates in the public comments portion of the meeting. His comments are often Islamophobic, homophobic, and anti-Semitic and frequently refer to his concern about Sharia law. At a recent commissioners court meeting he was escorted from the meeting room by a deputy after his remarks about an "antichrist virus [that] has infected millions." *Austin Monitor*, "Reporters' Notebook" (June 13, 2016).
- The Capital Metro director of security confers with security officers in other jurisdictions in the area who also are aware of Mr. Leon (Mous) and his apparent feelings of persecution.
- At the August 13, 2015, city council meeting, the requestor described how he was leaving the Capital Metro board meeting with his hands full when Mayor Adler, who had been standing in the doorway, opened the door and stepped aside. Mr. Leon (i.e., Mr. Mous) continued his narrative:

However, as I went by Mayor Adler put his hand on my lower back; an unnecessary, uninvited physical contact against me. Under the guise of help, Mayor Adler's sick, flirtatious touch was actually him trying to possess, control and exert power over me like how homosexual males try to psychologically confuse, flip and control us heterosexual males.

Keep your hands to yourself, Mayor Adler. If you lay a hand on me again, expect me to consider it assault per Texas Penal Code 22.01(a)(3), which legally frees and empowers me to use force to defend myself per Texas Penal Code 9.31 parts II and III.

Video and transcript at <http://www.dailykos.com/story/2015/8/15/1412354/-LGBTQ-Actual-Video-Evidence-of-Religiopolitical-Teh-Crazy-in-Austin-Texas>.

- Although we have no knowledge of their origin, the Capital Metro director of security noted that at the June board meeting Mr. Leon had apparent deep scratches on his head, neck, and back that were consistent with being in a fight.
- Mr. Leon (Mous) has filed over 600 complaints with Capital Metro or its contractors through the end of March 2016. Virtually all of his complaints have been found to be without merit. Drivers and their supervisors believe that Mr. Leon uses the complaint system to harass specific drivers.
- Bus drivers are especially vulnerable to harassment or violent attack since they must face forward, strapped into the driver's seat with their back and side exposed, while keeping their attention focused on driving the bus in a safe manner.
- Even if the Attorney General is reluctant to conclude that Mr. Leon personally poses a substantial threat to the driver's safety, the fact that he has a history of harassing drivers and has made highly inflammatory accusations about this driver greatly increases the risk that other, perhaps mentally unbalanced persons, would pose a threat if they had access to the driver's name and photograph.

Here Capital Metro has released the substantive information requested—i.e., the complaints filed against this particular driver. All that is sought to be withheld is the name² and photograph of the driver, which would facilitate locating this driver and potentially harassing or harming him. Given that the requestor has, among other things, made Islamophobic comments, is apparently concerned about an antichrist virus, has threatened violence against the Mayor of Austin, and has harassed Capital Metro bus drivers, this situation both establishes a substantial threat of physical harm and fits within the special circumstances of the type set out in the letter rulings and open records decision cited above. Accordingly, the name and photograph are excepted under section 552.101.

Section 451.061(f)(1), Texas Transportation Code

Additionally, the name phone number of the complainant in the various complaints requested is excepted from disclosure under section 552.101. Section 451.061(f)(1) of the Transportation Code, a provision that governs Capital Metro, provides:

(f) Personal identifying information collected by an authority is confidential and not subject to disclosure under Chapter 552, Government Code, including a person's:

² Along with the driver's name, we have also redacted his identification number, which, like the name and photograph, is another means of identification.

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(1) name, address, e-mail address, and phone number;

TEX. TRANS. CODE, § 451.061(f)(1). Thus, when Capital Metro collected a complaint that contained the complainant's name, that name was made expressly confidential under this section and section 552.101. Further, the driver's name and photograph are personally identifying information that is collected by the authority and they also fall within the scope of section 451.061(f). The individual's photograph, unlike a person's name, is not among the specific items that are set out in section 451.061, but the exception is for "personal identifying information . . . including" an individual's name. TEX. GOV'T CODE, § 331.005(13) ("Includes" and "including" are terms of enlargement and not of limitation or exclusive enumeration, and use of the terms does not create a presumption that components not expressed are excluded"). The list is not exclusive, and a photograph certainly qualifies as personal identifying information.³

Section 552.152

Additionally, the driver's name and photograph are excepted from disclosure under section 552.152. It provides:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of Section 552.021 if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

TEX. GOVT. CODE, § 552.152.

As the test—substantial threat of physical harm—is the same as for the common law right to physical safety, all the factors discussed above in regard to the common law right apply here as well. Indeed, the Supreme Court's test for the common law right was informed by the statutory language of section 552.152. *Texas Dept. of Public Safety*, 343 S.W.3d at 118.

The only different issue posed by section 552.152 is whether the driver is an officer or employee of Capital Metro. Because of conflicting state and federal statutory requirements relating to collective bargaining, Capital Metro's drivers, mechanics, and other workers who, in the private sector would have the right to bargain collectively, are employed by a separate entity—in this case, MV Transportation. This arrangement permits Capital Metro to comply with both state and federal law. Although this individual and other drivers are technically employed by MV Transportation, they wear Capital Metro uniforms when working. In the case of litigation, Capital Metro is required to and does defend and indemnify those drivers. Undoubtedly the public understands the drivers to be Capital Metro employees. In similar situations, the Attorney General

³ While the bus driver's name and photograph fit within the language of section 451.061(f), it is not necessary to address that issue if the Attorney General finds that they are excepted under the personal safety exception encompassed within section 552.101 or are excepted by section 552.152. So long as the driver's name and photograph fall within one of those two exceptions, it is necessary to consider section 451.061 only in connection with the complainant's names.

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has found section 552.103, which applies only to suits against governmental bodies, to be invoked when a suit was brought against a driver when Capital Metro itself was not named as a party. Tex. Atty Gen'l OR2014-22596.⁴ Just as the employment relationship was sufficient in that ruling to invoke section 552.103, it is sufficient here to invoke section 552.152.

Conclusion

Under the specific facts of this case, the driver's name and photograph are excepted from disclosure under section 552.101 due to the common law right to personal safety as well as under section 552.152. The complainants' names are excepted from disclosure under section 552.101 by virtue of their being made confidential by section 451.061(f) of the Texas Transportation Code.

We are not able to mail the requestor a copy of this letter as he has provided what is obviously a false name and given no address. We note that the requestor has said that he would pick up the information at 2910 E. 5th Street, which is the address of Capital Metro's headquarters. In order to comply with section 552.301(d) of the Texas Government Code as closely as possible under the circumstances, we will leave a copy of this letter without Exhibit B addressed to Mr. Anon Y. Mous at the reception desk at 2910 E. 5th Street.

Please contact my office if you have any questions regarding this matter.

Sincerely,



C. Robert Heath

Encl: Exhibit A: Request from Mr. Anon Y Mous received June 27, 2016
Exhibit B: Copy of the responsive information being withheld
Exhibit C: Affidavit of David J. Martin, Director of Security for Capital Metro

cc: Kerri L. Butcher
Chief Counsel
Capital Metropolitan Transportation Authority
2910 East Fifth Street
Austin, Texas 78702
(Via electronic mail)

⁴ Although the letter ruling decided that Capital Metro, which was not named as a party, came within the section 552.103 exception for suits against governmental bodies, it did not discuss the issue of the relationship between Capital Metro and the employees. That issue, though, was squarely presented and briefed in the 15-day letter and was an issue the Attorney General had to and did rule on to reach his result.

Exhibit B1



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 16, 2016

Mr. C. Robert Heath
Counsel for Capital Metropolitan Transportation Authority
Bickerstaff Heath Delgado Acosta, L.L.P.
Building One, Suite 300
3711 South MoPac Expressway
Austin, Texas 78746

OR2016-20959

Dear Mr. Heath:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 626699.

The Capital Metropolitan Transportation Authority (the "authority") received a request for information pertaining to a specified individual, including the individual's name and photograph, and all complaints filed against the individual during a specified time period. You state you have released some information to the requestor. You claim portions of the submitted information are excepted from disclosure under sections 552.101 and 552.152 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information made confidential by judicial decision and the common-law physical safety exception. The Texas Supreme Court has recognized, for the first time, a common-law physical safety exception to required disclosure. *Tex. Dep't of Pub. Safety v. Cox Tex. Newspapers, L.P. & Hearst Newspapers, L.L.C.*, 343 S.W.3d 112, 118 (Tex. 2011). Pursuant to this common-law physical safety exception, "information may be withheld [from public release] if disclosure would create a substantial threat of physical harm. *Id.* In applying this standard, the court noted "deference must be

Mr. C. Robert Heath - Page 3

investigation, confidentiality of OIG investigations provided by section 531.1021(g) must be read in context of OIG's enabling provisions and thus, extended only to OIG investigations concerning fraud, waste, and abuse in the provision and delivery of health and human services in the state). Upon review, we find the authority did not collect the complainants' personal identifying information for purposes relating to the collection of fares and other charges. Consequently, the complainants' personal identifying information you marked is not confidential under section 451.061(f) of the Transportation Code, and may not be withheld under section 552.101 of the Government Code on that basis.

In summary, the authority must withhold the identifying information of the specified individual you marked, in addition to the information we marked, under section 552.101 of the Government Code in conjunction with the common-law physical safety exception. The authority must release the remaining information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Gerald A. Arismendez
Assistant Attorney General
Open Records Division

GAA/dls

Ref ID# 626699

Submitted documents

Requestor
(w/o Enclosures)

Travis County Sheriff
Travis County Sheriff's Office
5555 Airport Dr.
Austin, TX 78751

Exhibit C 1

September 12, 2016

Dear Travis County Sheriff Hamilton,

Per Local Government Code 85.003(c), (d), a deputy serves at the pleasure of the sheriff and the sheriff is responsible for the official acts of his deputy. Therefore, this complaint to Travis County Sheriff Greg Hamilton documents Travis County Deputy Angel's unlawful, unprofessional, abusive, ass-backwards, bullying behavior against Mr. Carlos Leon August 30, 2016 and September 6, 2016 at Travis County Commissioners Court.

August 30, 2016 at about 8:45 AM, MR. LEON approached the security set-up in front of the Travis County Commissioners Court entrance. Per procedure, Mr. Leon took metal objects out of his pockets and placed them in a small, open, plastic basket to be viewed and/or examined before walking through the metal detector. One of the objects was a pocket knife with blade

0.
Per Texas Penal Code 46.03 (a)(3), a person commits an offense if the person knowingly goes with an illegal knife on the premises of any government court. An illegal knife means a blade over 5 1/2 inches, per Texas Penal Code 46.01 6(a). Therefore, attending Travis County Commissioners Court with a legal pocket knife of blade less than 5 1/2 inches is not committing an offense. In fact, every previous time Mr. León attended Travis County Commissioners Court with his legal pocket knife, there was no problem.

However, on August 30, 2016, Travis County Deputy Angel picked up Mr. León's knife from the basket and explicitly told Mr. León there was no way Mr. León would be attending Travis County Commissioners Court with his legal pocket knife, though Mr. León was following the law, had always kept his pocket knife closed and in his pocket during previous Travis County Commissioners Court meetings, and had never

County Commissioners Court proceedings.

When Mr. León respectfully started explaining Texas Penal Code 46.01 6(a) to Deputy Angel, Deputy Angel disrespectfully cut him off, repeating himself, again saying Mr. León would not be allowed to bring the legal pocket knife with him to Travis County Commissioners Court.

Though such restrictive, preventive measures may be legally justified for civil and criminal courtroom where violent reaction to Court decisions and sentences is a genuine concern, Travis County Commissioners Court is primarily an administrative body doing county business. Though the County Judge and Commissioners have acted in ways to anger Court attendees, they also anger each other. Yet, no one is physically attacking anyone else. In Court, facts, law, and argument are battle weapons.

Therefore Travis County Commissioners Court meetings are similar to Austin City Council meetings at City Hall, where attendees legally carry legal weapons inside the building.

and during meetings.

When Mr. León explained to Deputy Angel there had never been a problem before, Deputy Angel said yet again that Mr. León would not be allowed to attend Travis County Commissioners Court with his legal pocket knife.

Seeing how Deputy Angel repeatedly refused to acknowledge Mr. León's legal right to attend Travis County Commissioners Court with his legal pocket knife in his pocket, Mr. León told Deputy Angel to call his supervisor. However, Deputy Angel refused, telling Mr. León to go to the Courthouse to find his (Angel's) supervisor.

Deputy Angel's disrespectful, ass-backwards response to Mr. León's respectful relevant directive was wrong because Deputy Angel is a public servant, per Texas Penal Code 1.07, meaning Deputy Angel gets paid by Travis County taxpayer dollars to serve Mr. León NOT the other way around.

called his supervisor, especially because Travis County Commissioners Court was scheduled to start within 15 minutes and Mr. León was there to speak at the beginning of the meeting.

Therefore, seeing how Deputy Angel was not following the law, Mr. León did not go through the metal detector and told Deputy Angel to return his legal pocket knife. However, Deputy Angel initially refused, telling Mr. León he'd return it to him after he'd left the building.

Again, Deputy Angel's disrespectful, ass-backwards response to Mr. León's respectful, relevant directive was wrong because the legal pocket knife is Mr. León's property, not Deputy Angel's, and because Mr. León has the legal right to be in the government building with his legal pocket knife. Therefore, Deputy Angel was again trying to criminalize Mr. León's legal behavior. Though Deputy Angel was acting unlawfully.

Per Texas Penal Code 31.03(a)(6), a person commits theft if he unlawfully appropriates

the property and appropriation of property is unlawful if it is without the owner's effective consent. Therefore, when Mr. León told Deputy Angel to return his (León's) legal pocket knife to him, Deputy Angel did not have owner León's effective consent to have León's legal pocket knife in his possession. Therefore, when Deputy Angel initially refused to give it back, Deputy Angel committed theft.

Also, because Mr. León has the legal right to be in the government building with his legal pocket knife on his person, Deputy Angel wrongly tried putting a condition for Mr. León to get his legal pocket knife back from Deputy Angel, who should never have possessed it. Therefore, Deputy Angel was unlawfully and unwelcomely trying to effeminate, emasculate and infantilize Mr. León by disarming him, denying him what is rightly and legally his, and trying to control Mr. León's movement.

Per Texas Penal Code 20.02(a) and

offense if he intentionally or knowingly restrains another person, with "restrain" meaning to restrict a person's movements without consent, so as to interfere substantially with the person's liberty, by moving the person from one place to another and "without consent" means by force, intimidation, or deception.

When Deputy Angel wrongly did not allow Mr. León to attend Travis County Commissioners Court with his legal pocket knife in his pocket, Deputy Angel unlawfully restrained Mr. León by intimidation and deception. Had Mr. León ignored Deputy Angel's verbal warnings, Mr. León ran the risk of being punished for directly disobeying Deputy Angel, though Mr. León knew the law was on his side.

When Deputy Angel wrongly told Mr. León to leave the building before being eligible to get his (León's) legal pocket knife back from Angel, Deputy Angel attempted to unlawfully restrain Mr. León by trying to force him to leave the building he (León) had the legal right to be in with his knife.

To defeat Angel's attack on León's civil rights, Mr. León reminded Angel he (León) had not gone through the metal detector and that there was an eyewitness to this interaction (another security employee). Only then, after considering the illegality of his actions and who was watching, did Deputy Angel return Mr. León's legal pocket knife to Mr. León there and then, inside the building, without Mr. León taking a single step from where Mr. León was standing.

Mr. León has the right to not be deprived of liberty (movement) or property, or in any manner disenfranchised, except by Due Process or due course of the law of the land, protected by U.S. Constitution's 5th & 14th Amendments and Texas Constitution Article I, Section 19.

Though neither U.S. nor Texas law explicitly says Mr. León can attend Travis County Commissioners Court with his legal pocket knife, neither do they say he cannot. Therefore Mr. León can because the U.S.

enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people and the 10th Amendment says the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Though Texas law does provide the County Sheriff and County Judge authority to create and enforce government building and court security policies and procedures, those policies and procedures cannot violate citizens' civil rights.

Therefore, because Deputy Angel did not allow Mr. León to attend and speak at the Travis County Commissioners Court meeting with his legal pack knife on his person, Deputy Angel violated the Texas Open Meetings Act and the Texas Citizens Participation Act.

Per Texas Government Code 551.002, every regular meeting of a governmental body shall be open to the public. Though Travis County calls its official

weekly gatherings voting sessions, meetings include sessions of a governmental body, per Texas Government Code 551.001(4).

However, because Mr. Leon was denied access to the August 30, 2016 Travis County Commissioners Court meeting with his legal pocket knife on his person, the meeting was closed to Mr. Leon, per Texas Government Code 551.001(1).

Per Civil Practice and Remedies Code 27.002, one purpose of the Texas Citizens Participation Act is to encourage and safeguard the Constitutional rights of person to speak freely to participate in government to the maximum extent permitted by law.

Per Civil Practice and Remedies Code 27.001(1), (3), (8), (9):

"Communication" includes the making or submitting of a statement or document in any form or medium, including oral;

Communication made in connection with a matter of public concern;

"Official proceeding" means any type of administrative, executive, legislative, or judicial proceeding that may be conducted before a public servant;

"Public servant" means a person elected as an officer of government.

Therefore, speaking at Citizen Communication during Travis County Commissioners Court's weekly meetings presided by Travis County Judge Eckhardt is government participation. Therefore, by not being allowed to attend the August 30, 2016 Travis County Commissioners Court meeting with his legal pocket knife on his person, Mr. Leon was not allowed to speak freely to participate in government to the maximum extent permitted.

Therefore, because members of the public without pocket knives on their person were

persons with Travis County ID badges can freely attend and speak without going through any security screening, Mr. León was doubly denied equal protection under the law, violating the U.S. Constitution's 14th Amendment, which says no state shall deny to any person within its jurisdiction the equal protection of the laws.

Therefore, Deputy Angel is allegedly guilty of official oppression. Texas Penal Code 39.03 (a1), (a2) says a public servant acting under color of his office or employment commits an offense if he intentionally subjects another to mistreatment and intentionally denies or impedes another in the exercise or enjoyment of any right or power, knowing his conduct is unlawful. Per the aforementioned evidence and analysis, Deputy Angel mistreated Mr. León and intentionally denied Mr. León's exercise of his right to attend Travis County Commissioners Court's August 30, 2016 meeting with his legal not knife in his pocket, his right to

to have his legal pocket knife not be thefted by Deputy Angel, and his power to make Deputy Angel answer his relevant questions, ~~and~~ comply with Mr. Leon's respectfully relevant request to call Deputy Angel's supervisor, and immediately return Mr. Leon's legal pocket knife to him when so directed. Deputy Angel also initially denied Mr. Leon's exercise of his right to have his legal pocket knife ~~with~~ on his person while inside a government building.

- Therefore, Deputy Angel allegedly abused his official capacity. Per Texas Penal Code 39.02(a), a public servant commits an offense if, with intent to harm or defraud another, he intentionally or knowingly violates a law relating to the public servant's office or employment. Per the aforementioned evidence and analysis, Deputy Angel allegedly violated multiple laws relating to his office and employment.

- Therefore, after finally getting his legal pocket knife back from Deputy Angel, Mr. Leon walked + to the building.

September 6, 2016 Mr. León arrived at Travis County Commissioners Court at about 8:40 AM to attend and speak at the weekly meeting. Mr. León approached Deputy Angel at the security apparatus and respectfully asked Deputy Angel if there would be a problem if he brought in a legal pocket knife. Deputy Angel again did not answer Mr. León's relevant question, but again tried flipping sanity and the true power relationship on its head by irrelevantly asking Mr. León, "Do you mean the one you brought last time?" (1)

Since public servant Angel must legally serve Mr. León, not the other way around, Mr. León did not answer Deputy Angel's unnecessary question. Instead, Mr. León responded by asking Deputy Angel, "So, you're not answering my question?" Deputy Angel falsely replied, "I already answered it." So, Mr. León walked away from Deputy Angel. (2)

placed his metal objects in the plastic basket (which did not include a pocket knife) and walked through the metal detector. Deputy Angel looked at Mr. León's challenge coin in the plastic basket and creepily told Mr. León, "I really like your challenge coin."

Deputy Angel's unnecessary, unwanted, unwelcome comment appeared to be Deputy Angel speaking in code to communicate:

1) a compliment to Mr. León for not trying to bring a legal pocket knife with him into Travis County Commissioners Court to emotionally reward Mr. León to explicitly condition Mr. León to wrongly accept and feel good about being unlawfully disarmed and having his civil rights denied;

2) that Deputy Angel would accept Mr. León's challenge coin in exchange to recognize Mr. León's right to bring his legal pocket knife to the Travis County Commissioners Court meeting - a right that is already Mr. León's.

3) that Deputy Angel wants Mr. León's challenge coin to take more of Mr. León's property from him to bully and dominate Mr. León, though public servant Angel must serve Mr. León.

Deputy Angel's September 6, 2016 communications 2) and 3) are similar to his August 30, 2016 attempt to make Mr. León leave the government building he legally had the right to be in before returning Mr. León's legal pocket knife to Mr. León, though Deputy Angel had no legal right to possess Mr. León's knife without Mr. León's effective consent, which he didn't have.

Therefore, because Deputy Angel's abusive, ass-backwards behavior against Mr. León exemplifies how sex offenders try to demean and dominate their targets, forward this complaint to Travis County personnel who investigate, charge and punish county employee homosexual harassment of CHARTERED MALE members of the public.

alias(es), face, and fingerprints should be checked against all local, state, and national sex offender and criminal registries and databases to determine if Angel is eligible to be a deputy.

Regardless, Deputy Angel has repeatedly acted the exact opposite of how a Travis County Sheriff's Deputy should, meaning Angel should not be working with or for the public.

Place a copy of this complaint in Deputy Angel's permanent personnel file to defend Mr. León from and stop Angel's attacks and protect fellow law-abiding Travis County residents from Deputy Angel's gaslighting behaviors.

In Jesus name,

Carlos León

Carlos León

The military shall at all times be subordinate to the civil authority.

- Texas Constitution
Article I, Section 24

Exhibit D 1



METRO

So, standing or sleeping results in six-month removal from CAP METRO vehicles and property? Ridiculous.

July 25, 2016

To: Mr. Carlos ~~de~~ Leon

Subject: Criminal Trespass Notification Warning

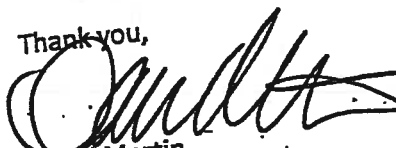
This is to advise you that any further rules violation of Capital Metro Policy will result in your immediate removal from all Capital Metro property and vehicles for a period of six months. Any further violations during the six month timeframe will increase removal to one year from original date of violation. You will also refrain from disorderly conduct on any Capital Metro vehicles, Capital Metro Operators and/or Personnel and follow all instructions given for your safety and the safety of those about you.

Please pay particular attention to the following rules:

- Share the ride and do not take up more than one seat.
- Do not block vehicle doorways; riders entering and exiting need room to pass.
- When boarding and exiting, do not cross in front of the vehicle.
- Riders who fall asleep while riding are at risk of being injured from unexpected vehicle movement or stops.
- Standing is only permitted when there are no seats available; do not block the walkway when standing.
- Stand behind the white or yellow line at the entrance of vehicles.
- Belongings must be maintained on your lap or at your feet.
- Items may not block aisles, obstruct seats, or be left unattended.
- Priority seating at the front of vehicles is reserved for seniors and riders with disabilities.
- Disruptive behavior is not allowed, including: loud conversation, profanity, insults, threats, horseplay, or fighting.
- Riders without a valid fare may be asked to de-board.
- It is strictly prohibited to interfere with the operation of a vehicle, including talking to the bus operator while the vehicle is in motion.

If you have questions, contact Capital Metro Customer Service at (512) 474-1200.

Thank you,


David Martin
Capital Metro Director of Security

Unconstitutional rule

concern,
not a rule;
cannot be
punished

DRAFT

Exhibit E1

(1)

Carlos León

October 3, 2016

Via Certified Mail
Return Receipt Requested

The Honorable Ken Paxton
Attorney General at the State of Texas
209 West 14th, 6th Floor
Austin, TX 78701

Attention: Open Records Division
Gerald A. Arismendez
Assistant Attorney General

Re: Attorney General ID # 626699
OR 2016 - 20959

Dear General Paxton,

I respectfully submit this letter in support of myself to set the record straight, defend myself from character assassination, appeal your decision, and make you aware of what's going on at CAP METRO under Director of Security David Marth.

Re: ~~my~~ my June 27, 2016 request for information Capital Metropolitan Transportation Authority (CAP METRO) has handed me two letters one dated July 18, 2016 from Bicherstaff, Heath, Delgado, Linera LLP to you (see attached copy as →

Exhibit A1) and one dated September 16, 2016 from Gerald A. Arismendez, Assistant Attorney General, Open Records Division, to Mr. C. Robert Heath, Counsel for AP METRO, Bickerstaff Heath Delgado Acosta, LLP (See copy as Exhibit B1)

Per Exhibit B1, Paragraph 4, The Attorney General's office said, "Upon review, we find the authority has demonstrated release of the information at issue would create a substantial threat of physical harm to the specified individual. According, the authority must withhold the identifying information we marked under section 552.101 of the Government Code in conjunction with the common-law physical safety exception."

Per Exhibit A1, your determination appears to be based on a copy of the June 27, 2016 request, a copy of the responsive information sought, the affidavit of David J. Martin - the Director of Security at AP METRO, and your interpretation of the law. However, because I have not been shown exactly the documentation you received and because there are many misrepresentations and false statements in Exhibit A1, your decision appears to be based on a mixture of truth, half-truths, and lies fed to you. Therefore, this next section sets the record straight.

Setting the record straight

You said "The authority has demonstrated release of the information at issue would create a substantial threat of physical harm to the specified individual." However, a threat is a declaration of intention or determination to inflict injury (Planned Parenthood of Columbia/Williamette Inc v. American Coalition of Life Activists). I have neither declared an intention to inflict physical injury to the specified individual nor declared a determination to inflict physical injury to the specified individual. Therefore CAP METRO must show how the release of the requested public information would cause me to declare such an intention or declare such a determination AND that such a threat would be substantial.

On pages 3 and 4 of Exhibit A1, CAP METRO lists 10 bulleted factors giving rise to its conclusion of a substantial threat of physical harm. Though I expected the Attorney General's office to see through the ruse, I will now explicitly debunk each and every factor.

Bullet factor 1 states my use of a pseudonym (Mr. Anon Y Mass). I initially used that pseudonym to anonymously file written complaints against problematic drivers to avoid being retaliated against by those drivers + CAP METRO especially since the offending drivers refuse to communicate when directly asked. Though I

CAP METRO Board Meetings I continued using my pseudonym when filing written complaints.
~~@jacob~~

Bullet factor 2 documents my evidence-based concern the specified individual was trying to push & enforce sharia law over Constitutional law on public transportation. My directive to deport the specified individual for employing anti-American law on American soil is a legal way to punish & remove the specified individual without physical injury.

Bullet factor 3 refers to nameless appeals to Islamophobia that have allegedly resulted in violence to persons assumed to be Muslim. However my Bullet factor 2 statement is not Islamophobic, but America-centric and Constitution-centric. In fact, ~~sharia~~ shariaists seem to fear me knowing and standing up for the Texas Constitution and Constitution for the United States of America.

Bullet factor 4 correctly states I regularly speak at CAP METRO Board Meetings, Austin City Council Meetings, and Travis County Commissioners Court meetings and that I regularly speak my concerns about sharia law being pushed and enforced. However, my

homophobic, or anti-Semitic. In fact, it's the opposite! Some Muslims, homosexuals, and Jews seem to fear me publicly speaking truth about their words and actions.

Bullet factor 5 states Mr. Martin has spoken with other area security officers - that's his documented attempt to allegedly seek and coordinate allies against me to persecute me for whistleblowing CAP METRO drivers and staff doing wrong under him. For example, Exhibit C1 documents Travis Canty Deputy Angel's unlawful unprofessional, abusive, ass-backwards behavior against me on August 30, 2016 and September 6, 2016, given to detectives Flores and Schroeder of Internal Affairs to handle off-ree to give Deputy Angel a chance to correct his behavior without having a formal complaint filed against him placed in his personnel file. Therefore, I do not have feelings of persecution; I am being persecuted.

Bullet factor 6 accurately describes Mayor Adler's actions and their psychological, sexual, and legal meanings. However, legally using force to defend yourself from physical attack does not denote you'd unlawfully physically harm someone else.

Bullet factor 7 stated that Mr. Martin noted at a Board Meeting, I had apparent deep scratches on my head, neck, and back. Consistent with no

knowledge of their origin. First, if such scratches did exist and if they were from a fight and Martin had no knowledge of ~~them~~ their origin, they could have been the result of legally defending myself from physical attack, which, again, does not demonstrate I'd unlawfully physically attack someone else.

Second, if such scratches existed on my back, Martin could not have seen them through my white, opaque shirt. So, if Martin had no knowledge of their origin and couldn't see them, how could he have noted their existence? Therefore, Martin's false statement exists so you'd infer that I unlawfully physically attacked someone else to fool you into believing that releasing the information at issue would create a substantial threat of physical harm to the specified individual.

Bullet factor 8 correctly stated I have filed over 600 quality control complaints with CAP METRO or its contractors through the end of March 2016, documenting CAP METRO policy and procedure violations and unprofessional and/or discourteous behavior, violating Austin Transportation Code 13-2-13.

However, the second sentence incorrectly states virtually all of my complaints have been ~~at the same time~~ true.

merited.

The third sentence states drivers and their supervisors believe I use the Complaint System to harass specific drivers. However, the opposite is true. Specific drivers and staff have harassed me using psych warfare techniques to ~~try~~ disrespect and insult me by trying to effeminate, emasculate, and infantilize me to confuse and control me to gaslight me to overwrite my healthy reality with their insanity.

Examples include:

- Not stopping at the bus stop to not allow me to board and ride the bus, despite me clearly waving at the driver to stop at the stop;
- Wrongly ordering me to go to the back of the bus to sit where driver wants me to be, instead of rightly accepting me sitting in the middle or front where I chose;
- Telling me that because my face is plastered on the wall at CP METRO, like a wanted poster, I am not allowed to ride the bus, falsely criminalizing me to falsely punish me;

... middle or rear doors on

board where and how I choose, though CAP METRO policy demands it to non-verbally try forcing me to board through the front door only, how & where ~~driver~~ public servant driver wants.

- Not opening the front or rear doors on regular busses ~~for~~ for me to exit where & how I want, ~~to try forcing me to exit through~~ though CAP METRO policy demands driver open both to accommodate passenger preference, to try non-verbally forcing me to exit how and where public servant driver wants;

- Making up ~~non-existent~~ rules to try forcing me to sit, stand, and/or place my gear where public servant driver wants, instead of where and how I choose, though I am following legal CAP METRO policy & procedure.

- Refusing to accept clearly printed information on the valid bus pass showing clear evidence of fare payment when their machine fare card reader fails to properly read the information on the card's electronic strip;

- Wrongly calling the Austin Police Department to unlawfully remove me from the bus for rightly refusing to follow a driver's ~~il~~ or unnecessary directives that

- Wrongly asking me personal questions about my private property and my plans during a professional interaction to try getting me to serve the public servant driver by unnecessarily divulging information about me and my shift that's NOT their business;
- wrongly trying to force me to board using a ramp, though I do not want or need a ramp to board to non-verbally deny me what I choose and incept the false notion that I am physically handicapped, weak or old, ~~weak~~ when I am healthy, strong, and ~~young~~ Yang.
- wrongly telling me to board without showing evidence of fare payment to get me to violate CAP METRO policy and procedures on camera and so I'd unnecessarily and unlawfully owe the driver for his unlawful ~~unlawful~~ act of unnecessary and unwanted "assistance."

Bullet factor 9 has nothing to do with me.

Bullet factor 10 falsely claims I have a history of harassing drivers. Per the copy of Texas Penal Code 42.07 (a)(2) given to me by CAP METRO, a person commits harassment if, with intent to harass, annoy, alarm, abuse, torment or embarrass another, the person

the person receiving the threat, to inflict bodily injury on the person, or to commit a felony against the person, a member of the person's family, or the person's property.

Therefore because I have not threatened any drivers as defined by Planned Parenthood of Columbia/Williamette Inc v. American Coalition of Life Activists, I have not harassed any drivers. Further, my statements about the specified driver are facts based on his words and actions, not highly inflammatory accusations.

Therefore because I do not have a history of harassing drivers and have not made highly inflammatory accusations about the specified driver, the risk that others would pose a threat to this specified driver if they had access to the driver's name and photograph is not greatly increased.

Also, describing others as "perhaps mentally unbalanced persons" is an obvious attempt to imply I am possibly mentally unbalanced. However, Mr. Martin has no moral, legal, or social right to project his allegedly likely mental illness on to my healthy, strong mind.

immediately following the

Threatened violence against the mayor. The truth, on record is I publicly warned the mayor to expect me to legally use necessary force to defend myself if he tried to physically assault me, as documented in bullet factor six.

In that same paragraph, false statements about Islamophobic comments and harassed CAP METRO drivers, as well as the false statement about the mayor, are used to falsely establish a substantial threat of physical harm to fit within the special circumstances of the type set out in the letter rulings and open records division cited.

MR. Martin has also made other false statements in writing. In his July 25, 2016 Criminal Trespass Notification Warning to me (see Exhibit D1), he advised me that any further rules violation of CAP METRO policy would result in my immediate removal from all CAP METRO property and vehicles for a period of six months. However, that statement presupposes without proof that I have previously violated CAP METRO policies.

Also, bullet four in Exhibit D1 about falling asleep riding the bus is a concern, not a rule. Bullet five's rule ~~about~~ only permitting standing when no seats are available is unconstitutional. A passenger has the freedom to stand if he so wishes, regardless if seats are available, as long as he does not block the aisle or exit.

(12)

also unlawfully

~~also~~ stop me from attending and participating in CIP
METRO Board Meetings, violating The Texas Open
Meetings Act and Texas Citizens Participation Act.

Therefore, I respectfully request you reverse your
initial decision based on erroneous information
and force MR. MARTIN and CIP METRO to comply
with my public information request as soon as possible.

Respectfully,

Carlos Leon

Carlos Leon