

Carlos León

November 7, 2016

Via Certified Mail

Re: Attorney General ID #626699

The Honorable Ken Paxton
Attorney General of the State of Texas
209 West 14th, 6th Floor
Austin, TX 78761

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

Dear General Paxton,

I respectfully submit this letter in support of myself to inform you of a new alleged illegal retaliation attempt against me by CAP METRO's Director of Security David Martin's subordinate, self-identified as Sergio Rodriguez, for legally whistleblowing CAP METRO drivers' and employees' words and actions on the job that violate CAP METRO policy and procedures, Austin Transportation Code 13-2-132, ~~and/or~~ and/or Texas and/or U.S. Constitutional laws and Statutes.

(1 of 7) October 31, 2016 between 11:53 and 11:59 AM, on camera, inside the CAP METRO Transit Store located between 8th + Lavaca and 9th + Lavaca, I was standing on the customer side of the

Customer Interaction window handing written documents to CAP METRO Transit Store employee identified as Gil, who, along with CAP METRO Transit Store Supervisor Rick, was on the employee side of the window.

Then, CAP METRO security employee, self-identified as Sergio Rodriguez, uninvitedly, unnecessarily, and unwelcomely approached the Customer Interaction window on the customer side, standing to my immediate right (about 2-3 feet from me), and said at loud through the glass to Rick:

"We should put a trace on this guy, so we can get a criminal trespass on him, turning in those bogus reports"

Rodriguez was obviously referring to me and the true complaints being turned in to hold CAP METRO drivers accountable for their words and actions, per CAP METRO policy and procedure.

Therefore, Rodriguez's recommendation, made while on the job and in uniform, to unlawfully stalk me to falsely criminalize me to unlawfully remove me from CAP METRO vehicles and property, as well as mischaracterize the true, merited reports being handed in, to try confusing and controlling me to gaslight, victimize and intimidate me, evidence Rodriguez allegedly committing retaliation.

by abusing his official capacity to try officially oppressing me.

Per Texas Penal Code 36.06 (a)(1)(A), a person commits an offense if he intentionally or knowingly threatens to harm another by an unlawful act in retaliation for the service or status of another as informant.

Per Texas Penal Code 6.03(a), a person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result.

Per Texas Penal Code 6.03(b), a person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

Per Texas Penal Code 1.07(25), "Harm" means anything reasonably regarded as loss.

(3 & 7) Per Texas Penal Code 36.06 (b)(2), "Informant" means a person who has communicated

information to the government in connection with any governmental function.

Per Texas Transportation Code 451.052(c), an authority (like Capital METRO Transportation Authority) is a governmental unit.

Per Texas Government Code 551.002, every regular meeting of a governmental body, like the monthly CAP METRO Board Meetings, shall be open to the public.

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

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

"Exercise of the right of free speech" means a communication made in connection with a matter of public concern, and

"Communication" includes the making or submitting of a statement or document in any form or medium.

(4 of 7) Therefore, submitting written quality control documents to CAP METRO's Transit Store,

Speaking directly to the CAP METRO Board of Directors during their monthly meetings, and requesting public information about drivers and staff are government participation actions.

And the purpose of the criminal trespass statute is not to regulate speech, but punish activities that are not constitutionally protected (Otwell v. State; Bader v. State).

Therefore, per Texas statutes and case law, Rodriguez allegedly intentionally or knowingly threatened to harm me by unlawfully denying me my constitutional rights to turn in written quality control reports to CAP METRO Transit Store, ~~to~~ attend and speak at CAP METRO Board meetings, and ride CAP METRO vehicles, in retaliation for communicating information to CAP METRO in connection with CAP METRO functions - a 3rd degree felony per Texas Penal Code 36.06 (a)(1)(A).

Rodriguez's alleged verbal retaliation echoes CAP METRO's Director of Security David Martin's alleged written retaliation, per the July 18, 2016 letter from Bickerstaff, Heath Delgado Acosta LLP to Attorney General Paxton, re: my June 27, 2016 request for public information from CAP METRO, and Martin's July 25, 2016 Criminal Trespass Notification warning letter to me - all of which should already be in your file on these matters (See Attorney General ID).

626699 ; OR 2016-20959).

Therefore, both Rodriguez and Martin allegedly abused their official capacity.

Texas Penal Code 39.02 - Abuse of official capacity

(a) A public servant commits an offense if, with intent to harm or defraud another, he intentionally or knowingly:

(1) violates a law relating to the public servant's office or employment

Therefore, both Rodriguez and Martin sought to officially oppress me.

Texas Penal Code 39.03 - Official Oppression

(a) a public servant acting under color of his office or employment commits an offense if he:

(2) intentionally denies or impedes another in the exercise or enjoyment of any right, knowing his conduct is unlawful.

Therefore, a written complaint documenting Rodriguez's words and actions was turned in to the CAP METRO Transit Store.

(6 of 7) the early afternoon of October 31, 2016, including

explicit instructions to forward the complaint to all CAP METRO Board Members immediately to hold CAP METRO Director of Security David Marin accountable for his subordinate's behavior, because per Texas Transportation Code 451.053, the Board is responsible for the management, operation, and control of CAP METRO Transit Authority and its property, and because per Texas Transportation Code 451.054, CAP METRO Transportation Authority may be sued.

Please record this letter in your file re: matters pertaining to Attorney General ID #626699 and expect it to be publicly disseminated to members of the media, publicly recorded by various public commissions and councils, publicly discussed on camera, on record, and made available to the public at large.

Thank you in advance for your anticipated cooperation.

Respectfully,
Carlos León
Carlos León

