

STATE OF TEXAS  
COUNTY OF HARRIS

§  
§ KNOW BY ALL MEN BY THESE PRESENTS  
§

**AFFIDAVIT OF WAYNE DOLCEFINO**

Before me, the undersigned notary public in the State of Texas, on this day personally appeared Wayne Dolcefino, whose identity is known to me. After I administered an oath to affiant, affiant testified as follows:

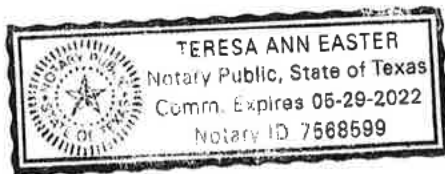
1. "My name is Wayne Dolcefino, I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
2. Under the Texas Public Information Act, Dolcefino Consulting filed a request on October 27, 2017 ("Exhibit A") requesting:
  1. Copies of any documents and/or notes obtained or made during the investigation of the alleged mistreatment of Adam James by Mike Leach or any other allegations against Mike Leach. You may redact information made confidential under state law. Digital production is preferred.
  2. Emails sent or received by Chancellor Kent Hance relating to Mike Leach from September 1, 2009 to February 28, 2010. You may redact information made confidential under state law and information which would be considered legal advice.
3. On December 21, 2017 Texas Tech University produced emails responsive to request #2.
4. One of the emails produced was sent by Jordan Strebeck, then Assistant to the Chancellor, on January 6, 2010 referenced a file pathway that contained a cache of documents maintained by the university in relation to the firing of Coach Mike Leach in December of 2009. ("Exhibit B").
5. In this email, Mr. Strebeck stated that "Anyways, as a heads up, we're saving all these things on the shared drive if you want them; file:///G:\Communications\Leach".
6. Following review of the documents produced on December 12, 2017, my company sent Texas Tech another request under the Texas Public Information Act on January 31, 2018 ("Exhibit C"). This request was for
  1. Digital production of all files saved in file:///G:\Communications\Leach referenced in Jordan Strebeck's sent email dated January 6, 2010, 1:10 pm (see enclosure).
7. On February 14, 2018 Ronny Wall, Sr. Associate General Counsel for Texas Tech University System responded to our January 31, 2018 request. He informed me that "The file path you have referenced in your request no longer exists, thus we have nothing responsive to your request." ("Exhibit D").
8. On January 8, 2018 my office filed suit against Texas Tech for failing to provide documents in response to separate requests under the Texas Public Information Act after the University refused to provide a series of records relating to the communications surrounding the firing of Coach Mike Leach and expenditures of the Texas Tech football team.

9. We have subsequently made every effort to identify the specific date the Leach files were destroyed. My office filed a Public Information Act request on November 8, 2018 ("Exhibit E") requesting:
1. Copies of all email correspondence, notes, memorandums, or reports that demonstrate Texas Tech's attempt to locate any information that was requested through previous Texas Public Information requests, sent by Dolcefino Consulting. Specifically, we are requesting documented demonstration of all efforts made to find information responsive to any request relating to the investigation and termination of Mike Leach or the alleged mistreatment of Adam James or any other player by Mike Leach.
10. Texas Tech declined to provide the requested documents.
11. The actions of Texas Tech University amount to evidence of destruction of public information as outlined by the Texas Government Code Sec. 552.351, as well as tampering with physical evidence as outlined by the Texas Penal Code Sec. 37.09.
12. I, Wayne Dolcefino, as president of Dolcefino Consulting, hereby request the Lubbock County District Attorney's Office open a criminal investigation into the destruction of public records. The custodian of public records of Texas Tech University is Ronny Wall, Senior Associate General Counsel.

Further affiant sayeth not.

  
Wayne Dolcefino Affiant

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 4th day of February, 2019.



  
NOTARY PUBLIC

My commission expires: 5/29/2022



# DOLCEFINO CONSULTING

## **Criminal Complaint filed by Dolcefino Consulting against**

Ronny Wall, Sr. Associate General Counsel, Texas Tech University  
2500 Broadway Lubbock, Texas 79409

**Complaining Party:** Dolcefino Consulting, 3701 Kirby, Suite 560, Houston, TX 77098

Wayne Dolcefino, SSN# \_\_\_\_\_, DOB: \_\_\_\_\_

**Type of Offense:** **Sec. 552.351. DESTRUCTION, REMOVAL, OR ALTERATION OF PUBLIC INFORMATION**

(a) A person commits an offense if the person wilfully destroys, mutilates, removes without permission as provided by this chapter, or alters public information.

### **Sec. 37.09. TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE**

(a) A person commits an offense if, knowing that an investigation or official proceeding is pending or in progress, he:

(1) alters, destroys, or conceals any record, document, or thing with intent to impair its verity, legibility, or availability as evidence in the investigation or official proceeding; or

(2) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent to affect the course or outcome of the investigation or official proceeding.

(b) This section shall not apply if the record, document, or thing concealed is privileged or is the work product of the parties to the investigation or official proceeding.

**Dates of Offense:** Unknown

**Location of Offense:** 2500 Broadway Lubbock, Texas 79409

**Brief Summary Statement:** Between January 6, 2010 and February 14, 2018, Texas Tech University destroyed documents which were part of an “investigation or official proceeding”, as defined by the Texas Penal Code, as well as willfully destroying public information, as defined by the Texas Public Information Act.

**Details of Offense:** See attached statement from Wayne Dolcefino

**Index of Documents:** See below

**Copies of Documents:** See attached copies and (CRIMINAL COMPLAINT 2019-02-04.zip)

**List of Witnesses:** None.

**Copies of Witness Statements:** None.

**office 713-360-6911**

**wayne@dolcefino.com**



# DOLCEFINO

CONSULTING

**Complaint Filed with suspect agency?** Yes.

**Is there a Civil Lawsuit Pending?** Not related to this request.

**Notarized Form:** See attached.



# DOLCEFINO

CONSULTING

**Index of Documents:**

1. 2019-02-04 - TEXAS TECH CRIMINAL COMPLAINT.pdf
  - A. TPIA TO TEXAS TECH RE HANCE EMAILS 10-27-17.pdf
  - B. 2010-01-06 - ORIGINAL EMAIL.pdf
  - C. 2018-01-31 TPIA.pdf
  - D. 2018-02-14 - WALL EMAIL TO DC.pdf
  - E. 2018-11-08 - TTU - SHOW EFFORTS.pdf
  - F. 2018-11-26 - LTR TO AG.pdf

# **Exhibit A**



# DOLCEFINO CONSULTING

October 27, 2017

Texas Tech University  
Office of General Counsel  
Box 42021  
Lubbock Texas 79409-2021

via email: [ronny.wall@ttu.edu](mailto:ronny.wall@ttu.edu)  
via CMRRR: 9414711899564636255409

Dear Mr. Wall,

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. **Digital Production is preferred.**

Dolcefino Consulting seeks the following:

1. Copies of any documents and/or notes obtained or made during the investigation of the alleged mistreatment of Adam James by Mike Leach or any other allegations against Mike Leach. You may redact information made confidential under state law. Digital production is preferred.
2. Emails sent or received by Chancellor Kent Hance relating to Mike Leach from September 1, 2009 to February 28, 2010. You may redact information made confidential under state law and information which would be considered legal advice.

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

Respectfully,

Wayne Dolcefino  
Dolcefino Consulting

**HOUSTON**

**713-360-6911**

**3701 Kirby, Suite 560**

**Houston, Texas 77098**

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

**AUSTIN**

# **Exhibit B**



Patel, Anita N

**From:** Strebeck, Jordan  
**Sent:** Wednesday, January 06, 2010 1:10 PM  
**To:** Arrington, Jodey; Thomasson, Russell; Bookbinder, Russ; Campbell, Pat; Mellinger, Victor  
**Cc:** Hance, Kent; Fuller, Dailey; Howard, Allison; Harmon, Casey L  
**Subject:** PC-TL Interview.docx  
**Attachments:** PC-TL Interview.docx

John Robin transcribed this for us a few minutes ago- it's Ted Liggett's interview with Pete Christy from the 29<sup>th</sup> (he showed him the places in question) and it really is astonishing how many facts are incorrect.

My personal favorite?

PC: Now, when Adam was in here, there was talk that there was a guard posted outside.

TL: I left that out when I was going through my litany of false-hoods. There was no guard posted outside. Actually, there were three trainers. A trainer that is licensed with the state of Texas, a graduate assistant trainer, and an undergraduate trainer were put in here with the young man.. and told to check, every 13 to 15 minutes on him. He had water, he was comfortable, it was low, much lower light than this. He had been diagnosed with a concussion. And as has been noticed and mentioned today, his treating doctor told him that the treatment that he received by being placed in this room two days after the event, and in the garage the day of the event were smart things to do, actually made him better. This is his treating doctor now.. and the gentleman suffered no damage or harm.

Wow.

Anyways, as a heads up, we're saving all these things on the shared drive if you want them:  
<file:///G:/Communications/Leach>

JS

Jordan S. Strebeck  
Assistant to the Chancellor



TEXAS TECH UNIVERSITY SYSTEM  
Office of the Chancellor

T 806.742.0012 / C 806.445.2033 / F 806.742.8050  
[jordan.strebeck@ttu.edu](mailto:jordan.strebeck@ttu.edu)

# **Exhibit C**



# DOLCEFINO CONSULTING

January 31, 2018

Texas Tech University  
Office of General Counsel  
Box 42021  
Lubbock Texas 79409-2021

via email: [ronny.wall@ttu.edu](mailto:ronny.wall@ttu.edu)  
via CMRRR: 9414711899560522507393

Dear Mr. Wall,

This will serve as a formal request for records under provisions of The Public Information Act, Texas Government Code Chapter 552. Dolcefino Consulting authorizes payment for production of records sought as detailed below. **Digital production of documents is preferred.** You may redact any information made confidential under state law.

Dolcefino Consulting seeks the following:

1. Digital production of all files saved in <file:///G:/Communications/Leach> referenced in Jordan Strebeck's sent email dated January 6, 2010, 1:10 pm (see enclosure).

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

Respectfully,

Wayne Dolcefino  
Dolcefino Consulting

# **Exhibit D**

## Legal Investigation

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**From:** Wall, Ronny <Ronny.Wall@ttu.edu>  
**Sent:** Wednesday, February 14, 2018 5:07 PM  
**To:** Lori Breedlove  
**Cc:** Wayne Dolcefino; Dolcefino Research  
**Subject:** RE: TPIA FROM DOLCEFINO CONSULTING

Mr. Dolcefino,

The file path you have referenced in your request no longer exists, thus we have nothing responsive to your request.

Sincerely,  
Ronny H. Wall  
Associate General Counsel  
Texas Tech University System  
(806) 742-2155

This communication, including any attachments, originates from an Attorney and may contain confidential information and is intended only for the individual or entity to whom it is addressed. Any review, dissemination, or copying of this communication by anyone other than the intended recipient is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail, delete and destroy all copies of the original message.

**Required IRS Circular 230 Disclosure:** Any U.S. tax advice contained in the body of this e-mail (including any attachments) is not intended or written to be used, and cannot be used, by the recipient for the purpose of (1) avoiding penalties that may be imposed under the Internal Revenue Code or applicable state or local tax law provisions or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.



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**From:** Lori Breedlove [mailto:Lori@dolcefino.com]  
**Sent:** Wednesday, January 31, 2018 12:59 PM  
**To:** Wall, Ronny  
**Cc:** Wayne Dolcefino; Dolcefino Research; Lori Breedlove  
**Subject:** TPIA FROM DOLCEFINO CONSULTING

Good afternoon Mr. Wall,

Attached please find an Open Records Request from Dolcefino Consulting. All questions and responsive documents should be directed to Wayne Dolcefino.

Thank you.

Lori Breedlove  
Office Manager

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

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.

# **Exhibit E**



# DOLCEFINO CONSULTING

November 8, 2018

Texas Tech University  
Office of General Counsel  
Box 42021  
Lubbock Texas 79409-2021

via email: [ronny.wall@ttu.edu](mailto:ronny.wall@ttu.edu)  
via CMRRR: 9490911899560717295948

Dear Mr. Wall,

This will serve as a formal request for records under provisions of The Public Information Act, Texas Government Code Chapter 552. Dolcefino Consulting authorizes payment for production of records sought as detailed below. **Digital production of documents is preferred.** You may redact any information made confidential under state law.

Dolcefino Consulting seeks the following:

1. Copies of all email correspondence, notes, memorandums, or reports that demonstrate Texas Tech's attempt to locate any information that was requested through previous Texas Public Information requests, sent by Dolcefino Consulting. Specifically, we are requesting documented demonstration of all efforts made to find information responsive to any request relating to the investigation and termination of Mike Leach or the alleged mistreatment of Adam James or any other player by Mike Leach.

Again, you may redact any information that is deemed confidential in accordance to the Texas state law.

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

Respectfully,

Wayne Dolcefino  
Dolcefino Consulting

**HOUSTON**

**713-360-6911**

**3701 Kirby, Suite 560**

**Houston, Texas 77098**

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

**AUSTIN**



# **Exhibit F**



## TEXAS TECH UNIVERSITY SYSTEM

Office of General Counsel

November 26, 2018

### VIA ELECTRONIC FILING

The Honorable Ken Paxton  
Attorney General of the State of Texas  
Open Government Division  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548

RE: Texas Public Information Act Request  
Requests: November 8, 2018, November 9, 2018, November 13, 2018 (2)  
Requestor: Wayne Dolcefino

Dear General Paxton:

Texas Tech University System ("TTUS") respectfully requests an Attorney General's open records decision under the Texas Public Information Act, Tex. Gov't Code § 552.001, *et seq.*

On November 8, 2018, the TTUS Office of General Counsel received a request from Wayne Dolcefino of Dolcefino Consulting (the "Requestor") via email for the following information:

- **Copies of all email correspondence, notes, memorandums, or reports that demonstrate Texas Tech's attempt to locate any information that was requested through previous Texas Public Information requests, sent by Dolcefino Consulting. Specifically, we are requesting documented demonstration of all efforts made to find information responsive to any request relating to the investigation and termination of Mike Leach or the alleged mistreatment of Adam James or any other player by Mike Leach.**

On November 9, 2018, the TTUS Office of General Counsel received a request from the Requestor via email for the following information:

- **Copies of any emails sent or received by Charlotte Bingham relating to Mike Leach from September 2009 to the present.**

On November 13, 2018, the TTUS Office of General Counsel received a request from the Requestor via email for the following information:

- **Copies of any e- mail correspondence sent or received by Ronny Wall relating to any efforts to identify and locate any information responsive to any TPIA requests sent by Wayne Dolcefino or Dolcefino Consulting since June 1, 2017. Any e-mail detailing the destruction or deletion of any records relating to any request by Dolcefino Consulting since June 1, 2017.**
- **Any word documents created on any device assigned or used by Ronny Wall relating to any request by Dolcefino Consulting or Wayne Dolcefino since June 1, 2017. Records should include the digital time stamp documenting the time and date the document was created.**

Also, on November 13, 2018, the TTUS Office of General Counsel received a request from the Requestor via U.S. mail for the following information:

- **Any documents that provide detailed phone records of Trustees, on any device which Texas Tech University business is conducted, between August 1, 2018 and September 1, 2018. (Excluding or redacting any personal phone calls and any other information made confidential under state law.**
- **Any emails sent to any member of Board of Regents relating to Mike Leach, Wayne Dolcefino or Dolcefino Consulting since May 1, 2018.**

Said requests are attached as Exhibit "A." According to the Texas Public Information Act, a governmental body must request an open records decision (ORD) of the Attorney General for exceptions to public disclosure on or before the end of the 10<sup>th</sup> business day after the date of receiving the written request, which would be no later than November 26, 2018<sup>1</sup>, since the date of receipt for the first request was November 8, 2018.

TTUS has responded to the Requestor that it is seeking an opinion from the Attorney General on those items it claims should be excepted from public disclosure. The response to the Requestor is attached as Exhibit "B."

The legal bases upon which TTUS believes exceptions to public disclosure apply or may apply are as follows:

1. Texas Government Code §§ **552.101, 552.102, 552.103, 552.107, 552.111, 552.114, 552.117, 552.1235, 552.131, 552.136, and 552.137.**

Pursuant to the Texas Public Information Act, a governmental body that requests an Attorney General decision for exceptions to public disclosure must, not later than the 15<sup>th</sup> business day after the date of receiving the written request, submit to the Attorney General written comments stating the reasons why the above-stated exceptions apply. Since the date of receipt of the first Requestor's letter was November 8, 2018, the date by which TTUS must submit its detailed comments is December 3, 2018.

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<sup>1</sup> Please note, Texas Tech University System was closed on November 22, 2018 and November 23, 2018 in observance of Thanksgiving.

Very truly yours,



Ronny H. Wall  
Senior Associate General Counsel

Enclosures: Exhibit "A" – Requests  
Exhibit "B" – Letter to Requestor

xc: Wayne Dolcefino  
Dolcefino Consulting  
3701 Kirby, Suite 560  
Houston, Texas 77098  
(without enclosures)