

From: John Sherman John.Sherman@cityofmanvel.com
Subject: Clarification on Meeting and ORA Response Timeline
Date: Aug 3, 2025 at 4:29:28 PM
To: Dan Johnson dan.johnson@cityofmanvel.com

Manager Dan,

Apologies for the confusion in my previous message. After getting some rest, I reviewed what I sent late the other night at 11:33 PM. It had been a long and stressful week—balancing my regular responsibilities with the burden of responding to what I believe is an excessive and retaliatory Open Records Act (ORA) request initiated by Captain Chris Day.

To clarify—I meant to say I am available to meet with Mr. Lubritz no earlier than next Tuesday, not “no later than,” as I originally stated. I’ve been informed the City cannot request an extension, so I will need all remaining time through Monday to complete my response as thoroughly as I can.

You noted that it’s been over two weeks and that this matter needs to be brought to a conclusion. I understand the desire to move forward, and I share that goal. However, given the complexity of the situation and the serious concerns I’ve raised—such as the fact that the attorney from Olson & Olson is not an independent third party as suggested, due to the firm already representing Chief Traylor in the Douglas/Marks Civil Rights Case—I believe a cautious and fair approach is necessary. That firm has an obligation to its client and would be in conflict if it were to take any position that could compromise him ahead of the January trial. I don’t believe two weeks is unreasonable to allow me time to consult with legal counsel and ensure my interests are protected.

I also think it’s important to keep this timeline in perspective. The City’s investigation into the French Bulldog incident, which spanned roughly 12

hours, lasted over two months (from May to July), despite pressure from concerned citizens. Also to note, the Chief further in the final update of that investigation (July 21st City Council Meeting) told many falsehoods and mislead Council and the citizens of Manvel in his statement as I detailed in a previous email to you. In contrast, my situation is not publicly known, and there is no external urgency requiring immediate closure.

As I mentioned before, it's also deeply concerning that Captain Day submitted a records request on the same day I was first contacted by Mr. Lubritz (July 23rd), specifically targeting communications between me and the individual to whom I made a protected whistleblower complaint. The timing strongly suggests a retaliatory tactic meant to intimidate me, as well as a serious breach of confidentiality—Captain Day should never have been informed that I made such a report.

To make matters worse, the request was misleadingly framed as coming from a “member of the public” and submitted under the name “Manvel Police Association,” rather than transparently identifying Captain Day in his official capacity as a City employee. The request specifically seeks communications related to my whistleblower complaint and involves officers who report directly to him. This is not a good-faith request for public information—it is a deliberate attempt to misuse the Public Information Act (PIA) to retaliate against me and circumvent the protections afforded to whistleblowers.

In light of this, I want to formally state that I am in the process of filing a complaint with the Texas Office of the Attorney General (OAG). I believe the City had an obligation to seek an opinion from the OAG regarding whether this request should be fulfilled, especially considering the nature of the request, the apparent retaliatory intent, and the fact that it targets

communications between a whistleblower and the official to whom the report was made. The request also concerns matters involving officers under Captain Day's direct supervision—adding further conflict. The City's failure to request an opinion or provide me protections in this process is deeply concerning and further undermines the integrity of how this situation is being handled.

Additionally, I was told the City could not request additional time to fulfill this records request. However, that is not accurate under the law. Texas Government Code § 552.221(d) states:

“If the officer for public information cannot produce the public information for inspection or duplication within 10 business days after the date the information is requested, the officer must certify that fact in writing to the requester and set a date and hour within a reasonable time when the information will be available.”

This statute clearly permits the City to notify the requester—in this case, Captain Day under the guise of the MPA—and provide a reasonable extension. The fact that I was told this wasn't possible is troubling and only deepens my concern that I am not being given a fair opportunity to protect myself in this process.

Furthermore, Captain Day has a documented history of using the MPA Facebook account to post unprofessionally toward members of the public—and now appears to be using that same platform and identity as a means to intimidate me, another City employee. He has openly stated that the City “can't do anything about what he says from the MPA Facebook account,” despite the fact that he is a City employee and should be held to the same

professional standards and accountability as all staff. His behavior reflects a pattern of misusing the MPA label to avoid responsibility while engaging in conduct that, if done in an official capacity, would clearly violate City policy.

Employees should never be punished for coming forward with concerns or reporting potential wrongdoing or misconduct. Retaliation—whether overt or subtle—not only undermines workplace integrity, it sends a chilling message that discourages transparency, honesty, and accountability within public service.

I brought these concerns forward in good faith. I care deeply about the City of Manvel and feel a strong responsibility to do what is right for the community we serve. I also want to reiterate that I respect your leadership and the significant responsibilities you carry—not only to City staff, but to the citizens of Manvel.

I respectfully request that this email be forwarded to the full City Council and Mayor Davis so they are aware of the additional concerns I have raised.

John Sherman

Manvel PD ACO