

May 15, 2003  
Statement from the  
Bureau of Immigration and Customs Enforcement (ICE)

On Monday afternoon, an ICE officer working at his desk in Riverside, California at the Air & Marine Interdiction Coordination Center (AMICC) received an urgent phone call from a concerned Texas Department of Public Safety (DPS) officer.

After clearly identifying himself and his rank, the Texas DPS officer stated: "We got a problem and I hope you can help me out. We had a plane that was supposed to be going from Ardmore, Oklahoma to Georgetown, Texas. It had state representatives in it and we cannot find this plane."

The Texas DPS officer expressed concern that the plane had not arrived at its intended destination, after what was supposed to be an hour and 13 minute flight from Ardmore to Georgetown. He noted again that: "We cannot find this plane." The Texas DPS officer provided the tail number of the missing aircraft to AMICC and asked AMICC to help find it.

From all indications, this request from the Texas DPS was an urgent plea for assistance from a law enforcement agency trying to locate a missing, lost, or possibly crashed aircraft. AMICC routinely responds to requests for assistance from law enforcement agencies. In this case, AMICC responded by making the appropriate telephone calls as described below.

Believing the aircraft may have crashed or be lost, the AMICC made phone calls to the FAA's Fort Worth Center; to the airport authority in Mineral Wells, Texas; and to a fixed base operator in Plainview Texas. During some of these calls, the AMICC officer noted that he was trying to locate a missing/lost plane that may have "government officials" on board.

AMICC was ultimately unable to locate this aircraft. AMICC advised the Texas DPS officer of this result and provided him with a number to call at the FAA in order to initiate lost aircraft procedures.

At no time did AMICC launch or use any Department of Homeland Security aircraft in response to this contact by the Texas DPS.

- **Representative Chuck Hopson's wife was followed yesterday by DPS all the way from Austin to Jacksonville, Texas.**
- **El Paso police entered Representative Joe Picket's house without a warrant, while his 17-year-old daughter was home alone. Luckily, his wife was only a block away and quickly arrived to handle the situation.**
- **Representative Craig Eiland's wife just gave birth to premature twins, who are still in the neonatal unit in the hospital in Galveston. It has already been reported in the Associated Press that police went to the hospital yesterday evening to ask his wife about him. But what hasn't yet been reported is that Texas Rangers again visited his wife at their home, and it was no earlier than 10:30 p.m. last night – after DPS had already determined that the missing Democrats were in Oklahoma.**
- **Representative Dawnna Dukes' brother reported that police showed up at his house this morning, after DPS had already determined that Dukes was in Oklahoma.**
- **Representative Menendez' wife was attending a pre-scheduled Legislative Ladies Luncheon today at the Governor's mansion. She was driving a vehicle with state official license plates. When she left the luncheon to return to her vehicle, it had been vandalized – while parked in front of the Governor's mansion.**
- **Before leaving town, Representative Patrick Rose had parked his car at a friend's house. Early Tuesday morning at 12:30 a.m. – well after law enforcement knew Rose was in Oklahoma – police stopped his friend's vehicle and searched it, looking for Rose. The friend said they had also staked out the house where Rose's car was parked prior to the search.**
- **D.P.S. entered Rep. Naishtat office to search for the representative. The Officer asked for the senior staff member's staff ID, and asked if they were aware of the location of the Representative and the last time of communication with Representative Naishtat. He returned the ID and said "I want you to know that it is a felony to withhold information." When asked what law was broken, the officer responded House Rule, Rule 5, Sec. 8. The officer then said that he was just telling us what he had been told.**



TEXAS HOUSE OF REPRESENTATIVES  
OFFICE OF THE SERGEANT-AT-ARMS

Rod Welsh  
Sergeant-at Arms

May 13, 2003

Colonel Tommy Davis  
Director, Texas Department of Public Safety  
PO Box 4087  
Austin, TX 78733-0001

Dear Colonel Davis:

On behalf of the Texas House of Representatives, thank you for the prompt and thorough assistance in carrying out the call on the house and securing the attendance of absent members. Because the location of the absent members has been identified as outside of Texas, and those members have refused to return, your responsibilities in this regard are at an end.

Again, thank you for the prompt and professional response.

Sincerely,  
*Rod Welsh*  
Rod Welsh

Post-It™ brand fax transmittal memo 7671 # of pages ▶ 1

To <i>Chief Elliston</i>	From <i>Major Arnold</i>
Co.	Co.
Dept.	Phone #
Fax #	Fax #

**Statement of Pamela McPeters, staff member for Representative Dawnna Dukes:**

"On the 13th of May, a Department of Public Safety Officer came into the Office of State Representative Dawnna Dukes where I am an employee. He stated that he was there to officially arrest State Representative Dawnna Dukes.

"The DPS officer asked if Representative Dukes was in the office. I stated no, but that he was welcome to look in her office. He declined to look in her office and sternly proceeded to tell me I needed to sign a form. I looked at the form which contained several questions. It was clearly not a warrant.

"The officer asked the following questions: if I had been in contact with Representative Dawnna Dukes; if I have a contact number for her, when was the last time I was in contact with her. He wrote my answers on the signed form. He gave me a toll free number to call the next time I speak with Representative Dawnna Dukes.

"I asked to make a photocopy of the signed document on which the officer wrote my answers and I had signed. He stated that "he had been instructed not to let anyone make a copy." I asked if the document is an open record and he replied that I should try to make an open records request. He then left the office. His demeanor was intimidating. After consulting with several other House members' offices, I found that the officers doing similar work had been very friendly and cooperative, and had not forced other staff to sign, but rather asked for their names and wrote in on the forms themselves."

**Statement of Harold Cook, Senate Democratic Caucus consultant:**

"After hearing from Pamela McPeters regarding the above events, I contacted Dawnna Dukes myself and informed Representative Dukes of the incident."

**Texas Constitution, Article 3, Section 10 provides:**

**Two-thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel attendance of absent members, in such manner and under such penalties as each House may provide.**

**House Rule 5, Section 8 – Securing a Quorum, provides that all absentees for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by the sergeant-at-arms or an officer appointed by the sergeant-at arms for that purpose, and their attendance shall be secured and retained.**

**The sergeant-at-arms, in a letter dated May 12, 2003 to the Director of the Texas Department of Public Safety, has appointed the commissioned officers of the Texas Department of Public Safety (DPS) to secure and retain 53 members of the House of Representatives.**

**Under the terms of House Rule 5, pursuant to the Texas Constitution, the securing of House members for the purpose of bringing them to the floor of the Texas House of Representatives, would be considered an "arrest." The "arrest" or taking into custody for this limited purpose is not for a criminal offense, nor is it covered by the Code of Criminal Procedure. It is a method and manner authorized by the Texas Constitution and the House Rules passed pursuant to it.**

**There is no explicit authority for DPS officers to make arrests of this purpose outside the State of Texas.**

LUNA  
Wilson

Giddings

in  
Blk.

- MANIFEST FOR AIRLINES

- MANIFEST FOR BUS

- Vehicle Information from Corona Police Agency

MIKE  
Villarreal

phone #

John

STATEWIDE Teletype

Extradition procedures

8:10 Missed

8:45

- Couple people from Dist. office  
Analysts

1-800- CALL #

May 2003  
 S M T W T F S  
 1 2 3  
 4 5 6 7 8 9 10  
 11 12 13 14 15 16 17  
 18 19 20 21 22 23 24  
 25 26 27 28 29 30 31

June 2003  
 S M T W T F S  
 1 2 3 4 5 6 7  
 8 9 10 11 12 13 14  
 15 16 17 18 19 20 21  
 22 23 24 25 26 27 28  
 29 30

7A - 7P

7A - 5:30P

7:00 a.m. p.m. 12:00  
 7:15 12:15  
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 5:30 7:30  
 5:45  
 6:00 7:45  
 6:15

checked weekdays for  
 HQ personnel  
 ask Hawk to check the status of Rick Andrews packing up  
 more (M.M.) computers  
 called to Colonel's office ref missing 53 reps from legislators  
 sent L to analyst, will want later  
 stayed in Marshall's office most of afternoon  
 Marshall called ref sending someone to pick up  
 reps wanting defect - news will handle

Talk to Marshall about home phone situation  
 7:40P - will called into Gov office  
 C.A. Adink Westaco plane + speaker's plane in Graham's?  
 11 SO. plates at Embassy  
 suites - Austin  
 Keno Flores - Mason - missing  
 plus go ranch  
 Helan Giddings - Carlton Greedy  
 93 94 95 - Dutka  
 D. Dutka - look for  
 Deshotel  
 Lewis Chavez - news  
 1 PM - Deshotel  
 conference - will attempt to  
 to I.D.  
 Advised by will the speaker had been called off by speakers  
 approve - 6:30 PM

Richard off  
 client 147 280  
 Ann. off for week

Richard off  
 client 147 280  
 Ann. off for week

7:00 a.m.

~~7:00~~ 7A-5P

p.m. 12:00

12:15

• Hank called ref ST

12:30

found in Victoria 17 dead

12:45

12 Treated, 40 man have

1:00

absconded - driver located

8:15

in Houston hospital - shipment

8:30

driver Jamaican resident

8:45

Queen - H.R. Rangers, JNS,

2:00

Victoria D.A.

2:15

• go to Pub residence

2:30

Saturday - security

2:45

discussed with Marshall

10:00

the computer lab situations

10:15

in Houston to clarify

10:30

stance on assignment of general

10:45

• 3 more computers

4:00

found to analyze ref

11:15

M.M.

11:30

4:30

11:45

Meeting OK imaging 1:30-2:30

5:00

(changed to next date)

5:15

7:00

5:45

7:15

6:00

7:30

6:15

7:45

7:00 a.m.

6:30A - 5:00 P

p.m. 12:00

7:15

• called Julie to find out

12:30

about Mr. Conway services

12:45

Colonel out of office - 9Am

1:00

(~~and~~) M.M. served with sup

1:15

1:30

• put out teletype ref

1:45

services

2:00

• Butch called about

2:15

incident at JREWA -

2:30

dispatch super & possible

2:45

witnessed pairs & persons

10:00

told Doug S - acting Chief

3:15

• Doug advised of neg.

3:30

article ref searching

4:00

plane

4:15

• told

4:30

4:45

5:00

✓ call Colonel about

6:30

arrangements

6:45

7:00

✓ flag at 1/2 staff - officer memo

7:30

6:15

7:45

May 2003  
S M T W T F S  
1 2 3  
4 5 6 7 8 9 10  
11 12 13 14 15 16 17  
18 19 20 21 22 23 24  
25 26 27 28 29 30 31

2003  
S M T W T F S  
1 2 3 4 5 6 7  
8 9 10 11 12 13 14  
15 16 17 18 19 20 21  
22 23 24 25 26 27 28  
29 30

Armed Forces Day (US) 137/228

7:00 a.m.

6:30A - (4, 2, 5) P  
4:30

p.m. 12:00

7:15

12:15

7:30

12:30

7:45

12:45

8:00

1:00

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7:00

5:45

7:15

6:00

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6:15

7:45

Will Richard come  
bus for meeting ref 12:45  
House members + wife  
stay at command post  
• engaged Aug 5 - act. 1:30  
Chet  
• called bus Keith ref 2:00  
Nella Incident. Return  
out of town

8 hrs CTE  
(did not claim Sunday)

Mr. Conaris services

day off

**Smith, Pamela (OGC)**

---

**From:** Arnold, Morris  
**Sent:** Friday, May 23, 2003 9:46 AM  
**To:** Smith, Pamela (OGC)  
**Subject:** FW: Embassy Suites

I am double checking all my records and found these items on my e-mail, so here they are. maa

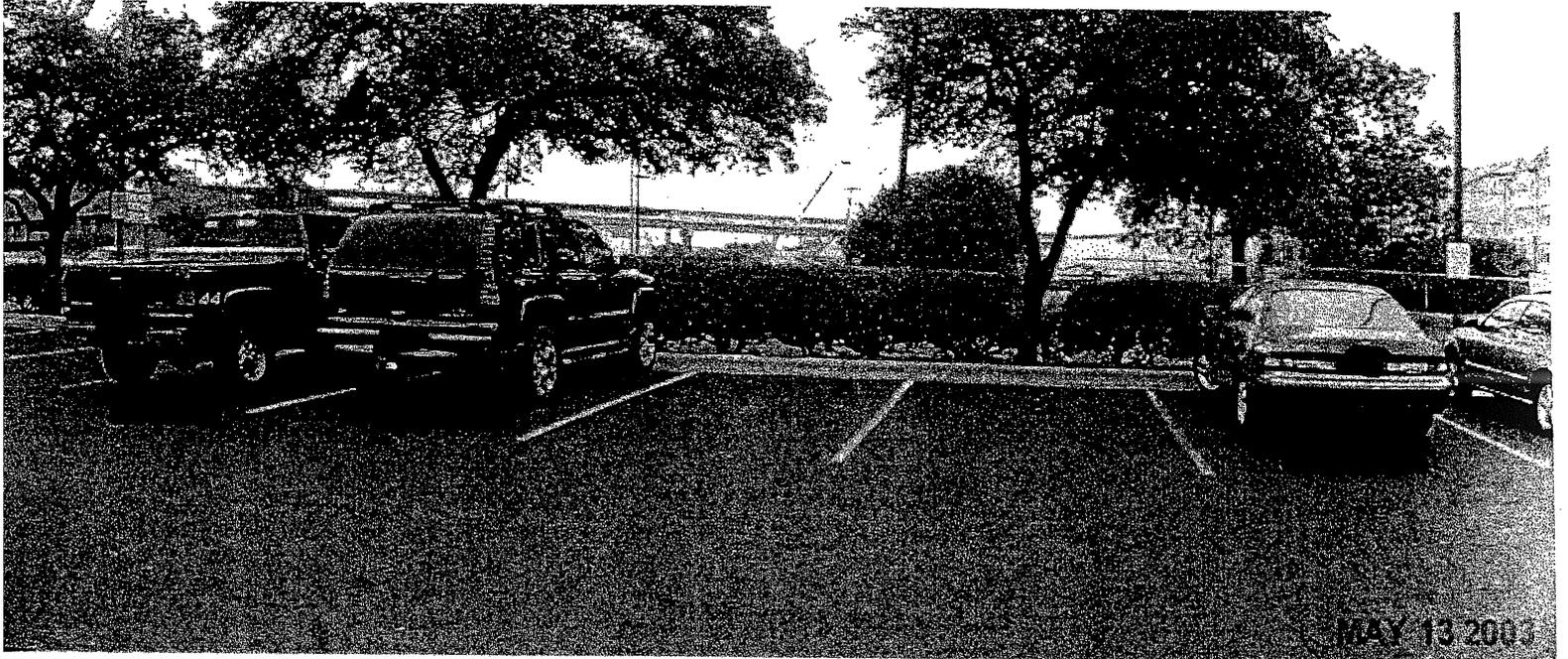
-----Original Message-----

**From:** Elder, Gov  
**Sent:** Tuesday, May 13, 2003 6:30 PM  
**To:** Arnold, Morris; Chrane, Jack; Campbell, Charles; Franklin, William; Scheer, George  
**Subject:** Embassy Suites

Taken at 11:15 A.M. Tuesday, May 13, 2003.

You may need to use your arrow key to go from left to right...

Gov...





# TEXAS DEPARTMENT OF PUBLIC SAFETY



THOMAS A. DAVIS  
DIRECTOR

DAVID McEATHRON  
ASST. DIRECTOR  
FRANKIE WALLER  
ASST. DIRECTOR

Narcotics Service  
624 NE Loop 820  
Hurst, Texas 76053



COMMISSION  
JAMES B. FRANCIS, JR.  
CHAIRMAN

ROBERT B. HOLT  
M. COLLEEN McHUGH  
COMMISSIONERS

To: DEP. COM. DUVAIL FROM: CAPT. CALEY

LOCATION: \_\_\_\_\_ LOCATION: Hurst Narcotics office

TELEPHONE: \_\_\_\_\_ TELEPHONE: 817 299-1357 FAX  
TELEPHONE: 817 299-1350 VOICE Anita  
817-299-1369 VOICE Lisa

DATE: 5-22-03

COMMENTS: INFORMATION AS PER YOUR REQUEST.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NUMBER OF PAGES INCLUDING COVER 4



# AMERICAN STATESMAN

- ROBERTO ALONZO
- KEVIN BAILEY
- LON BURNAM
- GABRIEL CANALES
- ~~HITMI~~ JIMMY CAPELO
- JOAQUIN CASTRO
- GARRETT COLEMAN
- ROBBY COOK
- ILMAN PAVIS
- JOE DESHOTEL
- DONNA DUKES

CAPT  
BENNIE  
LANG  
AND MORE PD GFT  
11:15

To Mike Caley

2 pages

He will pick this  
up at the  
front desk.

580-223-7130

*Actual Lock down 5/12/03*

Date:	Yeas	Nays	Present	Absent
ALLEN				
ALONZO				XX
BAILEY				XX
BAXTER				
BERMAN				
BOHAC				
BONNEN				
BRANCH				
BROWN, B.				
BROWN, F.				
BURNAM				X
CALLEGARI				
CAMPBELL				
CANALES				XX
CAPELO				XX
CASTEEL				
GASTRO				X
CHAVEZ				
CHISUM				
CHRISTIAN				
COLEMAN				X
COOK, B.				
COOK, R.				X
CORTE				
CRABB				
CRADDICK				
CROWNOVER				
DAVIS, J.				
DAVIS, V.				X
DAWSON				
DELISI				
DENNY				
DESHOTEL				X
DRIVER				X
DUKES				XX
DUNNAM				XX
DUTTON				XX
EDWARDS				XX
EILAND				XX
EYSSLER				XX
ELKINS				
ELLIS				XX
FARABEE				XX
FARRAR				XX
FLORES				
FLYNN				
GALLEGO				XX
GARZA				XX
GATTIS				
GEREN				

	Yeas	Nays	Present	Absent
GIDDINGS				
GOODMAN				
GOOLSBY				
GRIGGS				
GRUSENDORF				
GULLEN				X
GUTHERREZ				
HAGGERTY				
HAMILTON				
HAMRIC				
HARDCASTLE				
Harper-Brown				
HARTNETT				
HEFLIN				
HEGAR				
HILDERBRAN				
HILL				
HOCHBERG				XX
HODGE				XX
HOMER				XX
HOPE				XX
HOPSON				X
HOWARD				
HUGHES				
HUNTER				
HUPP				
ISETT				
JONES				
JONES, E.				
JONES, J.				X
KEEL				
KEFFER, B.				
KEFFER, J.				
KING				
KOLKHORST				
KRUSEE				
KUEMPEL				
LANEY				X
LAUBENBERG				
LEWIS				
LUNA				
MABRY				
MADDEN				X
MARCHANT				
MARTINEZ				
McCALL				X
McCLENDON				XX
McREYNOLDS				XX
MENENDEZ				XX
MERCER				

	Yeas	Nays	Present	Absent
MERRITT				
MILLER				
MORENO, J.				XX
MORENO, P.				XX
MORRISON				
MOWERY				
NAISHTAT				X
NIXON				
NORIEGA				XX
OLIVEIRA				XX
OLIVO				XX
PAXTON				
PENA				X
PHILLIPS				X
PICKETT				X
PITTS				
PUENTE				
QUINTANILLA				XX
<del>RECORAR</del>				XX
RAYMOND				XX
REYNA				XX
RIDDLE				
RITTER				XX
RODRIGUEZ				XX
ROSE				XX
SEAMAN				
SMITH, T.				
SMITH, W.				
SMITHEE, J.				
SOLIS				X
SOLOMONS				
STICK				
SWINFORD				
TALTON				
TAYLOR				
TELFORD				
THOMPSON				XX
TRUITT				
TURNER				
URESTI				X
VAN ARSDALE				
VILLAREAL				X
WEST				
WILSON				
WISE				X
WOHLGEMUTH				X
WOLENS				X
WONG				
WOOLEY				
ZEDLER				
TOTAL				

54 53

**IMPORTANT MESSAGE**

FOR Marshall

DATE 5-12-03 TIME 1:15 A.M.  
P.M.

M Tony Marshall

OF \_\_\_\_\_

PHONE \_\_\_\_\_  
AREA CODE NUMBER EXTENSION

FAX

MOBILE \_\_\_\_\_  
AREA CODE NUMBER TIME TO CALL

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU	<input checked="" type="checkbox"/>	WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		WILL FAX TO YOU	

MESSAGE If you go to Capitol - he'll go with you.

Joe Matlock, Robert Nuendorf + Lori Pagel are there.

SIGNED mw

**IMPORTANT MESSAGE**

FOR Marshall

DATE 5-14-03 TIME 12:45 A.M.  
P.M.

M Tony Marshall

OF \_\_\_\_\_

PHONE \_\_\_\_\_  
AREA CODE NUMBER EXTENSION

FAX

MOBILE \_\_\_\_\_  
AREA CODE NUMBER TIME TO CALL

TELEPHONED		PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	<input checked="" type="checkbox"/>	WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		WILL FAX TO YOU	

MESSAGE The records they destroyed - now they're getting inquiries.

SIGNED mw

**Caskey, Marshall**

---

**From:** Marshall, Tony  
**Sent:** Wednesday, May 21, 2003 3:35 PM  
**To:** Caskey, Marshall  
**Subject:** RE: Open Records - Absent Legislators

Marshall, I have heard from all of my captains and they advise that none of their personnel possess any requested records.

-----Original Message-----

**From:** Caskey, Marshall  
**Sent:** Wednesday, May 21, 2003 12:13 PM  
**To:** Marshall, Tony; Duvall, Bobby  
**Subject:** FW: Open Records - Absent Legislators

I was unsure if this got forwarded. MC

-----Original Message-----

**From:** Smith, Pamela (OGC)  
**Sent:** Tuesday, May 20, 2003 4:58 PM  
**To:** Arnold, Morris; Caskey, Marshall; Elliston, Randy; Brown, Judy; Havrda, Charlie  
**Cc:** Courter, Mary Ann  
**Subject:** Open Records - Absent Legislators

We have now received three open records inquiries from the media and one from members of the House asking for various documents that are associated with or refer to DPS involvement in tracking down absent members of the House last week. In order to avoid having to make repeated remarkably similar requests of you as individual requests are received, I am just going to ask once, and then we will sort through any documents we receive and identify the documents that are responsive to each request.

So . . . . Please check with your people and send me a copy of anything (paper, photo, computer file) you have that relates to the actions of DPS as a whole or to the actions of individual officers with regard to the search for the absent members. I'm 99% sure this information will be available to the public, but please flag anything you do not want to release, and we will see what we can do. (We will also, as required by the public information act, redact certain personal information before releasing any documents to the public.) Or tell me you have no responsive documents, and I will keep that as we respond to future requests.

We have told the members of the House who made a request that we will try to get them at least some of the information by the end of this week (May 23), so your prompt attention will be appreciated. Thank you for your assistance.

Pamela Smith  
Assistant General Counsel  
Office of General Counsel  
Texas Dept. of Public Safety  
512-424-2892

**Hawkins, Gene**

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**From:** Hawkins, Gene

**Sent:** Wednesday, May 14, 2003 11:26 AM

**To:** Durochez, Gilbert (Butch); Sheppard, Lisa; Benningfield, Larry; Blake, Richard; Alaniz, Manny; Blodgett, James; Darity, Tina; Lewis, Patricia; Monk, Rita; Prieto, Lorena; Kneisley, Helen; O'Dell, Anne; Lona, Maribel; Simmons, Mike; Crais, Will

**Cc:** Duvall, Bobby; Marshall, Tony

**Subject:** REPORTING PROTOCOL

Captains: In the event that either you or any of your personnel were called upon to assist in locating and/or providing transportation for any of the political constituents who were absent from the legislature during the last few days and you were pondering just as to how to document your time, please show something to this effect:

Accruing intelligence and/or conducting surveillance pursuant to Special Request received from Special Crimes Service Headquarters. Unless you are told differently, this is as specific as I want you to be.) This specific language should be reflected on the weekly reports as well as the expense accounts if appropriate. Please take the time to convey this information to your respective personnel at the earliest opportunity. In the event that you have any questions, please do not hesitate to contact me.

Thanking you in advance,

Hawk

## Darity, Tina

---

**From:** Darity, Tina  
**Sent:** Wednesday, May 14, 2003 9:39 AM  
**To:** Alaniz, Manny; Benningfield, Larry; Blake, Richard; Blanck, Kathy; Blodgett, James; Durochez, Gilbert; Evans, Sandra; Green, Joanne; Hardy, Marneice; Kneisley, Helen; Lewis, Patricia; Melton, Rhonda; Monk, Rita; Moreno, James; O'Dell, Anne; Prieto, Lorena; Schelnick, Tina; Sheppard, Lisa; Simmons, Paul  
**Subject:** House Members

Captains,

Any notes, correspondence, photos, etc. that were obtained pursuant to the absconded House of Representative members shall be destroyed immediately. No copies are to be kept. Any questions please contact me.

L.C. Marshall

**Marshall, Tony**

---

**From:** Caskey, Marshall  
**Sent:** Wednesday, May 21, 2003 12:13 PM  
**To:** Marshall, Tony; Duvall, Bobby  
**Subject:** FW: Open Records - Absent Legislators

I was unsure if this got forwarded. MC

-----Original Message-----

**From:** Smith, Pamela (OGC)  
**Sent:** Tuesday, May 20, 2003 4:58 PM  
**To:** Arnold, Morris; Caskey, Marshall; Elliston, Randy; Brown, Judy; Havrda, Charlie  
**Cc:** Courter, Mary Ann  
**Subject:** Open Records - Absent Legislators

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We have told the members of the House who made a request that we will try to get them at least some of the information by the end of this week (May 23), so your prompt attention will be appreciated. Thank you for your assistance.

Pamela Smith  
Assistant General Counsel  
Office of General Counsel  
Texas Dept. of Public Safety  
512-424-2892

**Marshall, Tony**

---

**From:** Blake, Richard  
**Sent:** Wednesday, May 21, 2003 1:16 PM  
**To:** Marshall, Tony  
**Subject:** Records

We have no records/correspondence dealing with the missing legislators.  
Richard

**DEPARTMENT OF PUBLIC SAFETY  
INTEROFFICE MEMORANDUM**

**DATE:** 5/21/03

**TO:** Tony Marshall, Commander

**DIVISION:** CLE

**FROM:** Mike Simmons, Captain

**SUBJECT:** Legislative Assignment

In regard to the recent legislative assignments performed by District One Special Crimes personnel, no photographs or documents were maintained by this district.

## **Marshall, Tony**

---

**From:** Durochez, Gilbert (Butch)  
**Sent:** Wednesday, May 21, 2003 1:48 PM  
**To:** Marshall, Tony  
**Subject:** No Requests to search for and/or assist

Commander L.C. "Tony" Marshall,

Nobody in Houston Special Crimes Service District 2 were asked to search for and/or to assist in locating the missing Texas Democratic state representatives in the Houston area or elsewhere.

G. L. "Butch" Durochez, Captain  
Special Crimes Service  
12230 West Road  
Houston, Texas 77065-4523  
(281) 517-1430

**Marshall, Tony**

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**From:** Sheppard, Lisa  
**Sent:** Wednesday, May 21, 2003 2:38 PM  
**To:** Marshall, Tony  
**Subject:** FYI

Tony, Confirmation that everyone in this district handled documentation ref: representatives as you instructed.