
Rosie Gonzalez

From: Josephine Ramirez <josephine.ramirez@da.co.hidalgo.tx.us>
Sent: Wednesday, September 27, 2017 3:16 PM
To: Rosie Gonzalez
Cc: Victor Garza; Letty Chavez; Juan Sifuentes, Commander
Subject: Re: FW: Chp 59 Transfer of Asset Question

Ms. Rosie,

The DA did confer with Victor about the transfer of the vehicle prior to the process being started. Our opinion is that Article 59 and more specifically, CCP Art. 59.06(b) does not restrict the transfer of forfeited property to a law enforcement agency. Art. 59 CCP does not clearly define the term "agency". However, the Code of Criminal Procedure, requires that all words and phrases used in the code are to be used and taken in their usual acceptance in common language, except where specially defined. See CCP Art. 3.01.

As per CCP Art. 59.06(b), a law enforcement agency to which property is transferred may at any time transfer or loan the property to any other municipal or county agency, a groundwater conservation district, or a school district for the use of that agency or district. If the legislature had intended to limit the transfer or loan of forfeited property to a law enforcement agency they would have used the phrase "law enforcement agency" in the text of this particular provision. Moreover, the section cited above goes on to state that forfeited property may be transferred or loaned for use by a ground water conservation district or a school district and does not place limitations on the use. Clearly, there is no intent that the use or transfer be limited to a law enforcement agency.

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On Wed, Sep 27, 2017 at 9:10 AM, Rosie Gonzalez <rgonzalez@hidtaskforce.us> wrote:

Good morning Ms. Josie,

Can you please clarify what qualifies as an “agency”?

As per Mr. Rodriguez, he wishes to transfer the mentioned vehicle to Emergency Management.

Rosie Gonzalez

Accountant

Hidalgo County

HIDTA Task Force

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From: Letty Chavez [mailto:Letty.Chavez@auditor.co.hidalgo.tx.us]
Sent: Wednesday, September 27, 2017 8:59 AM
To: Rosie Gonzalez <rgonzalez@hidtataskforce.us>
Cc: Juan Sifuentes, Commander <jsifuentes2@hidtataskforce.us>; 'Arcy Duran' <Arcy.Duran@auditor.co.hidalgo.tx.us>
Subject: RE: Chp 59 Transfer of Asset Question

Good morning Rosie,

Pursuant to Code of Criminal Procedures 59.06, “a law enforcement agency to which property is transferred under this subsection at any time may transfer or loan the property to any other municipal or county agency, a groundwater conservation district governed by Chapter 36, Water Code, or a school district for the use of that agency or district.”

Did you receive legal counsels opinion regarding the definition of agency? We believe that the word agency is referring to a law enforcement agency; therefore, the transfer of forfeited property to Emergency Management would not be allowed.

Letty Chavez

From: Rosie Gonzalez [mailto:rgonzalez@hidtataskforce.us]
Sent: Tuesday, September 26, 2017 5:00 PM
To: Letty Chavez
Cc: Juan Sifuentes, Commander
Subject: Chp 59 Transfer of Asset Question

Good afternoon Ms. Letty,

We have a vehicle we seized back a while ago under Chp. 59 (Cause #C-5151-15-H).

Last year it was sold at auction, however it was sold as a 2010 Ford F350 when it is a 2010 Ford F250.

The buyer had issues getting the vehicle titled so they returned it. We gave them their money

back at that time after approved by Commissioners' Court (AI #58220 2/6/17). Now, Mr. Rodriguez has decided to transfer it to Emergency Management Dept.

I am getting ready to place it on Commissioners' Court. I will request permission to declare as surplus and request authorization to transfer it to Emergency Management. Is there anything else that I need to do?

Let me know if there are any additional steps that I would need to take. Should you need any additional information, feel free to contact me.

Thank you,

Rosie Gonzalez

Accountant

Hidalgo County

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