



# Texas Commission on Law Enforcement

## Enforcement Division

### Investigator's Narrative

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**CASE NUMBER:** 15-02-0376

**INVESTIGATOR:** Sgt. Jason Hufstetler

**SUBJECT OF INVESTIGATION:** McLennan County Sheriff's Office / Sheriff Thomas (Parnell) McNamara

#### OVERVIEW:

On 1/25/2015 Randall Scott Gates sent a complaint via email stating he recently received documents from an anonymous source. The documents were portions of an internal affairs investigation at the McLennan County Sheriff's Office which have claims of potential TCOLE rule violations. In another complaint Gates accuses Sheriff McNamara of cheating on his TCOLE exam by having LT Chris Eubank take it for him.

#### INVESTIGATION:

After receiving the complaints I called and spoke to Mr. Gates who suggested I speak with former MCSO Chief Deputy Matt (William) Cawthon. I called Cawthon, informed him of the information I received, and arranged a time to meet him. On April 21<sup>st</sup>, 2015 Sgt. Tracy Weems and I met with Matt Cawthon in Waco at Baylor stadium. He said he had been wanting to discuss some events that took place during his time as Chief Deputy under Sheriff McNamara. Most of the concerns Cawthon had with MCSO was non-jurisdictional for TCOLE to investigate. Cawthon informed me about other incidences involving Jailer Spencer Rowell, LT Chris Eubank, and Deputy Cody Blossman. Cawthon said Spencer Rowell received disciplinary action for an off duty incident and was ultimately terminated. Cawthon told me Rowell was a friend of LT Chris Eubank and Eubank pushed his application through to get him hired. Eubank and Rowell previously worked patrol together at Gatesville PD. Cawthon said after Rowell was terminated, he and Eubank met with the Sheriff. He allowed Eubank to pull the termination letter from Rowell's file, correct the F5, and let him resign. Cawthon said he spoke to Eubank about shredding the initial F5 and IA file for Rowell and informed him he was destroying government documents. Cawthon said Eubank later put in his resignation over the incident but was talked into staying by the Sheriff.

Cawthon went on to tell me Cody Blossman did not fill out a personal history statement until November 2013 but was initially hired Jan 2013 when the Sheriff took office. He said Blossman and Eubank were quickly pushed through the hiring process when Sheriff McNamara took office. Cawthon said the Sheriff was very close to both Blossman and Eubank and allowed them to do whatever they wanted. He claimed he was never able to hand down discipline to them due to their close relationship with the Sheriff. Cawthon alleged Blossman and Eubank possibly assisted in taking the Classen-Buck Peace Officer supplemental course for the Sheriff. Cawthon admitted to knowing Randall Scott Gates who lodged the initial complaint on this case and operates Radio Legendary, an on-line news blog.

After returning to TCOLE headquarters I conducted some research to see where Sheriff McNamara took his state exam. The information I received showed Sheriff McNamara took his state exam at Tactix of Austin. Tactix is a contract testing center for the TCOLE state licensing exam. I spoke to Testing Center Administrator Karen Sargent. Ms. Sargent provided me with copies of the sign-in sheet for the day Sheriff McNamara came in to take his state licensing exam. Ms. Sargent informed me anytime a person comes to their facility to test, they are required to show a valid state ID and they are not allowed to take cell phones, electronic devices, etc. into the testing facility. I also emailed Debbie Lindke with Classen-



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Buck Seminars to get login dates and times for Sheriff McNamara's peace officer supplemental course so I could review them. TCLEDDS shows the Sheriff passing the state licensing exam on his first attempt with a passing score of 88.

On September 21<sup>st</sup>, 2015 Sgt. Weems and I returned to the Waco area to conduct non-custodial interviews with Cody Blossman, Chris Eubank, and Sheriff McNamara. That afternoon we met with Cody Blossman at a Starbucks in south Waco. I began by asking Blossman why his personal history statement took 11 months to complete. Blossman seemed very evasive in his answers and was unable to provide an exact reason as to why it took 11 months and numerous calls from their training division to return the completed PHS. He told me "I just put it on the visor of my patrol car and forgot about it". I also questioned Blossman regarding any involvement in assisting the Sheriff in completing the Classen-Buck Peace Officer Supplemental course. Blossman denied taking any on-line courses for Sheriff McNamara but did say he helped him study on numerous occasions. Blossman said he was asked to assist the Sheriff in his studies because he recently completed a BPOC course. Blossman claimed he provided the Sheriff a glossary of terms, 300 statements, and some case law which was beneficial to him while going through the academy. I questioned Blossman concerning Eubank's involvement in tutoring the Sheriff. Blossman said Eubank would come up to the Bosqueville Community Center where they were studying and "be in and out".

Later in the evening of September 21<sup>st</sup>, 2015 we met with Sgt. Chris Eubank at a Subway/Exxon in central Waco to conduct an interview. I questioned Eubank about Spencer Rowell and the allegations of him shredding Rowell's IA file and the original F5. Eubank said he never had a complete IA file on Rowell, only a termination letter and the original F5. He informed me that he, the Sheriff, and Cawthon met to discuss Rowell's termination. The Sheriff said based on the information he received, Rowell should have never been terminated. He said the Sheriff gave Rowell the option to resign or come back to work. Eubank told me Rowell opted to resign because he feared retaliation if he returned to the jail. Eubank said he was given direction from the Sheriff to remove the termination letter and he amended the status on Rowell's F5. Eubank claimed the only documents he shredded were the ones the Sheriff himself authorized him to remove because there was no need to have two conflicting F5's in the file. He told me the original F5 which he shredded had not even been signed by him at that point. I questioned Eubank about the allegations of him ordering Rowell's file not to be shown to Robinson PD. Eubank said he did not tell anyone not to share the file, he instructed them not to show them the termination letter because the Sheriff had overturned the termination thus making the letter invalid. I also questioned Eubank on the allegations of him taking the on-line classes for the Sheriff. Eubank said he never took any classes for the Sheriff, however he did go out to the Bosqueville Community Center on a regular basis over a period of several months with Cody Blossman to help the Sheriff study. He said he and Blossman would set at a big round table and both quiz the Sheriff using different study materials, material Blossman had from his recent academy, and online resources such as Victoria College. Eubank told me in addition to the round table study sessions, they would also set the Sheriff up to take practice tests. Eubank claimed he was not present when the Sheriff took the online courses. He said all the accusations of him taking classes for the Sheriff started when Cawthon saw him print off the certificate of completion for the peace officer supplemental class for the Sheriff. Eubank said he was contacted by the Sheriff's girlfriend Charlotte who told him the Sheriff had completed the online course but they could not get their printer to work. Charlotte said the certificate of completion was sent to her email address. She gave Eubank her email login information so he could print the certificate from his office. Eubank said





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when he printed the certificate to the main copier out in the lobby, Cawthon intercepted it from the printer. When Eubank went to the printer to retrieve the certificate Cawthon was waiting for him. Cawthon began questioning him and asking him did he take the test for the Sheriff. Eubank said he explained what happened but Cawthon kept insinuating he took the online courses for the Sheriff.

I also questioned Eubank about his resignation, which Cawthon told me of. Eubank said he was called into Cawthon's office after being accused of taking the online class for the Sheriff and was told he committed a felony offense by shredding the TCOLE F5 for Spencer Rowell. He said Cawthon told him he had tampered with a government record and if he stayed at the department he was putting the department in jeopardy. Eubank told me he resigned because he was scared. He said Cawthon was a retired Texas Ranger and worked some high profile cases. He said due to Cawthon's current position and past work history as a Ranger, he made him believe he committed a felony offense by shredding the dishonorable F5 for Spencer Rowell. He said the Sheriff came to him and asked him to stay and that they had the right to change the F5 as they see fit. Eubank said he agreed to stay as long as he could secure a different position and did not have to report directly to Cawthon. I informed Eubank TCOLE does not tell departments what to put on an F5 as far as a discharge status. I told Eubank if the Sheriff had overturned the termination and allowed him to amend Rowell's F5 status, there should not be two conflicting F5's in the TCOLE file anyway.

On September 22, 2015 we met with Sheriff McNamara at his office in Waco. Sheriff McNamara said he knew why we were there and it all had to do with Matt Cawthon being disgruntled. Sheriff McNamara told us he has been inundated with open records requests since Cawthon left. Sheriff McNamara said he completed the Classen-Buck Peace Officer supplemental course on his own. He admitted Chris Eubank and Cody Blossman did assist him with his studies by quizzing him and conducting study sessions at the Bosqueville Community Center. Sheriff McNamara confirmed he did authorize Eubank to remove the termination letter from Spencer Rowell's file and amend the discharge designation on his F5. Sheriff McNamara said the department does not have an internal affairs division and all internal complaints and investigations go through him to review and decide if further action is needed. Sheriff McNamara told us he had numerous problems with Cawthon wanting to run things his way and Cawthon ultimately resigned. After speaking to Sheriff McNamara we spoke to Captain Shawn Lippe. Lippe had the same complaints and concerns with Eubank as Cawthon did but was unable to provide any new information.

#### **SUMMARY:**

There is a lack of evidence to substantiate the claim Eubanks and Blossman took the Peace Officer Supplemental class for Sheriff McNamara. The Sheriff made an 88 on his first attempt at taking the state licensing exam which indicates he does have a working knowledge of the course information. Cody Blossman's personal history statement was eventually turned in and was in place in his TCOLE file on April 15<sup>th</sup>, 2015 when TCOLE Field Services conducted an agency audit. The portion of the complaint that addresses Chris Eubank shredding a TCOLE F5 is unfounded. After speaking with Sheriff McNamara, Eubank had the authorization to amend the F5 and replace it with the corrected one in his file. Shredding the incorrect version of an F5 is not a TCOLE violation. This case will be closed as lack of evidence.



# TEXAS COMMISSION ON LAW ENFORCEMENT

## Enforcement Case Checklist

Name: \_\_\_\_\_

TCLEOSE Case No.: \_\_\_\_\_ PID: \_\_\_\_\_

Offense: \_\_\_\_\_

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### File Documents:

Initials

_____	Certified Court Documents
_____	Arrest Report
_____	Current CCH (within 30 days)
_____	Current PSR (within 30 days)
_____	Current DL Report (within 30 days)
_____	Case Status and Supplement Report
_____	Other (E-1's, Correspondence)

### TCLEDDS:

_____	No other pending/closed misconduct/admin cases
_____	Charges have been updated / closed
_____	Case forwarded to Legal (ELS) on _____

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### Transfer to Legal:

Initials

_____	Email to Legal for division transfer. Emailed on _____
	*Hard files are to be given to Legal on the same day*

_____	Received by Legal on _____
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