

The State of Texas
House of Representatives

P.O. Box 2910
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Representing
Hunt, Hopkins, and
Van Zandt Counties

Dan Flynn
State Representative • District 2

July 6th, 2016

Attn: Honorable Attorney General Ken Paxton
P.O. Box 12548
Austin, TX 78711

Dear General Paxton:

It has come to my attention that once again DSHS is overstepping its bounds and this time may have broken the law in its continued harassment and interference with Texans simply trying to purchase Raw Milk which is a legal food. DSHS continues to harass consumers and this time notified and used the Harris County Health Department, which brought in Sheriffs Deputies to prevent people from taking possession of milk they had already paid for. This is a repeat of the situation a few weeks ago in Austin and is part of a long term harassment campaign I have personally witnessed by this agency since I began to work on expanding the sale of raw milk at farmers markets a few sessions past.

In every instance, DSHS tries to make excuses and in this case, DSHS tries to disclaim responsibility on the grounds that it was a local health department acting: but in both situations, we were advised that state health department employee told them that the drop was illegal. This, on top of the DSHS Manager's email of May 6th in which he told the City of Austin health department that the courier arrangements were "illegal deliveries" and that the courier was illegally operating a food establishment, makes it clear that DSHS is deeply involved.

Not one illness has been reported, no pathogens have been found in this farmers milk, and there is absolutely no health basis for this action. This is harassment of the farmer, the couriers, and the customers. Use of state funds for travel or the expenditure of salaried hours for purposes of harassing citizens conducting legal activities is, I believe, either misuse of office and/or improper expenditure of state funds, both with criminal ramifications. DSHS must learn that they are in fact not the legislature and cannot legislate something just because they don't like it.



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God Bless You and God Bless the Great State of Texas!

A handwritten signature in black ink, appearing to read "Dan Flynn", followed by a horizontal line.

Representative Dan Flynn

House District 2

CC: DSHS Commissioner Charles Smith

Committees: Chairman, Pensions Committee • Investments & Financial Services • Select Committee on Emerging Issues in Law Enforcement
Chairman, Task Force on Military and Veterans' Affairs, National Conference of State Legislators

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