



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 31, 2008

Sgt. Debbie Bruce
Public Information Officer
Ector County Sheriff's Office
P.O. Box 2066
Odessa, Texas 79760

OR2008-14898

Dear Sgt. Bruce:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 326710.

The Ector County Sheriff's Office (the "sheriff") received a request for the names, addresses, and contact information for each and every bail bonding company and bail bonding agent operating within the jurisdiction and under the permission of Ector County (the "county"). Although the sheriff takes no position as to the disclosure of the submitted information, you indicate that it may contain proprietary information subject to exception under the Act. Accordingly, you state, and provide documentation showing, that the sheriff notified the interested third parties of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have reviewed the submitted information.

The information submitted to this office by the sheriff consists of a list of companies which includes the names of individuals affiliated with those companies. We are unable to determine if the submitted information is responsive to both portions of the request. If additional information exists regarding the names, addresses, and contact information of bail bonding agents within the jurisdiction of the county, we assume it has been released. If such information has not been released, then it must be released at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this decision, this office has received no correspondence from any of the third parties that were notified. Thus, we have no basis to conclude the release of any portion of the submitted information would implicate their proprietary interests. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (stating that business enterprise that claims exception for commercial or financial information under section 552.110(b) must show by specific factual evidence that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret). Accordingly, the sheriff may not withhold any portion of the submitted information on the basis of any proprietary interests these companies may have in the information. The submitted information must be released.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must file suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such a challenge, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3). If the governmental body does not file suit over this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

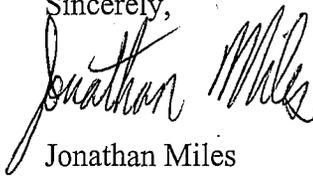
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can challenge that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/jh

Ref: ID# 326710

Enc. Submitted documents

c: Mr. Luis Esquivel
P.O. Box 605
Harlingen, Texas 78651
(w/o enclosures)

Amigo's Bonding
300 North Texas
Odessa, Texas 79761
(w/o enclosures)

Judy's Bonding
113 East 4th
Odessa, Texas 79761
(w/o enclosures)

ACE Bonding
1314 South Grant
Odessa, Texas 79761
(w/o enclosures)

ASA Bonding
113 East 4th
Odessa, Texas 79761
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Judy's USA
113 East 4th
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Will's Bonding
318 North Texas
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