



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 16, 2010

Mr. Warren M. S. Ernst  
Chief of the General Counsel Division  
City of Dallas  
1500 Marilla Street, Room 7BN  
Dallas, Texas 75201

OR2010-08810

Dear Mr. Ernst:

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# 383050.

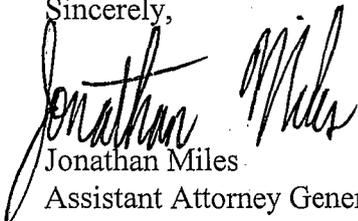
The City of Dallas (the "city") received three requests for information from the same requestor for (1) digital copies of the development agreement including any amendments between the city and The Fairways of La Reunion, LLC for phase 1 of the La Reunion Town Center project, as well as all correspondence regarding the 20% affordable housing requirement for that project and (2) digital copies of the development agreement between the city and La Reunion Towncenter, LLC and its affiliate Orleans at La Reunion LLC for phase 2 of the La Reunion Town Center project, as well as all correspondence regarding the 20% affordable housing requirement for that project. Although you take no position as to the public availability of the submitted information, you state release of this information may implicate the proprietary interests of La Reunion Towncenter, LLC ("Towncenter") and Fairways at La Reunion, LLC ("Fairways"). Thus, pursuant to section 552.305 of the Government Code, you notified Towncenter and Fairways of the request and of the companies' right to submit arguments to this office as to why their information should not be released. Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under the Act in certain circumstances). We have reviewed the submitted information.

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 information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from Towncenter or Fairways explaining why any portion of the submitted information should not be released. Therefore, we have no basis to conclude these companies have any protected proprietary interest in the submitted information. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, 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), 542 at 3. Consequently, the city may not withhold any of the submitted information on the basis of any proprietary interest Towncenter or Fairways may have in the information. As no exceptions to disclosure have been claimed, the submitted information must be released.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jonathan Miles  
Assistant Attorney General  
Open Records Division

JM/jb

Ref: ID# 383050

Enc. Submitted documents

c: Requestor  
(w/o enclosures)