



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 18, 2010

Mr. Ronald J. Bounds
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2010-17481

Dear Mr. Bounds:

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# 400457.

The City of Corpus Christi (the "city") received a request for information pertaining to the city's purchase of two specified properties. You state you will release some of the requested information to the requestor. Although the city takes no position on whether the submitted information is excepted from disclosure, you state release of this information may implicate the proprietary interests of third parties. Accordingly, you state you have notified the interested third parties of the request and of their right to submit arguments to this office as to why the submitted information should not be released.¹ *See* Gov't Code § 552.305(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances). We have reviewed the submitted information.

We note 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) of the Government Code to submit its reasons, if any, as to why requested information relating to it should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received any

¹You state the interested third parties are the following: Proportional Prosperity, LLC; Joe Adame & Associates, Inc.; and Cobb, Lundquist & Atnip, Inc.

comments from any of the interested third parties. Thus, none of the interested third parties have demonstrated they have a protected proprietary interest in any of the submitted information. *See id.* § 552.110(a)-(b); 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. Accordingly, the city may not withhold any of the submitted information based on the proprietary interests of the interested third parties. As no exceptions against the disclosure of the submitted information have been raised, it 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, 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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/eeg

Ref: ID# 400457

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

cc: Marco Gamboa
Proportional Prosperity, LLC
P.O. Box 460969
San Antonio, Texas 78246
(w/o enclosures)

Mark Adame
Joe Adame & Associates, Inc.
4550 Corona
Corpus Christi, Texas 78411
(w/o enclosures)

Wayne Lundquist Jr.
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