



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 30, 2012

Mr. B. Chase Griffith
Counsel for City of McKinney
Brown & Hofmeister, LLP
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2012-11803

Re: Request for the statements and witness list; ORR #10-5734

Dear Mr. Griffith:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 465983.

After reviewing your arguments and the submitted information, we have determined your request does not present a novel or complex issue. Thus, we are addressing your claims in a memorandum opinion. You claim the submitted information may be withheld from the requestor pursuant to section 552.108(a)(1) of the Government Code. We have considered your arguments and the submitted information and have determined that in accordance with section 552.108(a)(1) you may withhold the requested statement. The submitted information does not include a witness list. Thus, to the extent a witness list exists, we assume you have released it. *See* Gov't Code §§ 552.301, .302. However, the Public Information Act does not require a governmental body to disclose information that did not exist at the time the governmental body received the request. *Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.--San Antonio 1978, writ dism'd); Open Records Decision No. 452 at 3 (1986). The rest of the submitted information is not responsive to the request, and this decision does not address it.

For more information on the cited exception, as well as information on the rights and obligations of governmental bodies and requestors, please refer to open government information contained on the Office of the Attorney General website at www.oag.state.tx.us. You may also contact our Open Government Hotline at 1-877-OPENTEX.

Enc: Submitted documents

cc: Requestor
(w/o enclosures)