



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 3, 2012

Ms. Ashley D. Fourt
Assistant District Attorney
Office of the Criminal District Attorney
Tarrant County
401 West Belknap, Ninth Floor
Fort Worth, Texas 76196-0201

OR2012-19352

Dear Ms. Fourt:

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# 472939.

The Tarrant County District Attorney's Office (the "district attorney's office") received a request for the submissions made by six named companies in response to RFQ 2012-119. Although you claim no exceptions to disclosure of the submitted information, you state its release may implicate the proprietary interests of Arrendondo, Zepeda & Brunz, L.L.C., Gorrondona & Associates, Inc., Halff Associates, Inc., Jaster Quintanilla, Pacheco Koch Consulting Engineers, Inc., and SAM, Inc. (collectively, the "third parties"). Accordingly, you notified these third parties of the request and of their right to submit arguments to this office as to why the requested information should not be released. *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 the circumstances). We have reviewed the submitted information.

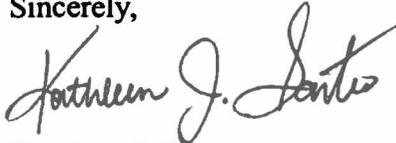
We note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this decision, we have not received correspondence from any of the third parties. Therefore, we have no basis to conclude these third parties have protected proprietary interests in 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 district attorney's office may not withhold the submitted information on the basis of any proprietary interests these third parties may have in the information. As no exceptions to disclosure are raised, 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, 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,



Kathleen J. Santos
Assistant Attorney General
Open Records Division

KJS/dls

Ref: ID# 472939

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Mickey D. Nowell
Arrendondo, Zepeda & Brunz, L.L.C.
2001 Beach Street, Suite 524
Fort Worth, Texas 76103
(w/o enclosures)

Mr. Jeffrey K. Vick
Gorrondona & Associates, Inc.
7524 Jack Newell Boulevard South, Suite 50
Fort Worth, Texas 76118
(w/o enclosures)

Mr. Jerry F. Roberts
Halff Associates, Inc.
4000 Fossil Creek Boulevard
Fort Worth Texas 76137
(w/o enclosures)

Mr. Christopher N. Story
Jaster Quintanilla
1301 West 7th Street, Suite 141B
Fort Worth, Texas 76102
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Mr. Mark A. Pacheco
Pacheco Koch Consulting Engineers, Inc.
8350 North Central Expressway, Suite 1000
Dallas, Texas 75206
(w/o enclosures)

Mr. Tom Flaherty
SAM, Inc.
1450 Empire Central Drive, Suite 175
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