



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 22, 2013

Mr. Gary B. Lawson
For Dallas Police and Fire Pension System
Strasburger
901 Main Street, Suite 4400
Dallas, Texas 75202-3794

OR2013-06559

Dear Mr. Lawson:

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# 484889.

The Dallas Police and Fire Pension System (the "system"), which you represent, received a request for all appraisals performed on two specified properties during the time the system was invested in the properties. You claim the submitted information is excepted from disclosure under sections 552.104, 552.110, and 552.143 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

Section 552.143 of the Government Code provides, in part:

(c) All information regarding a governmental body's direct purchase, holding, or disposal of restricted securities that is not listed in Section 552.0225(b)(2)–(9), (11), (13)–(16) is confidential and excepted from the requirements of Section 552.021. This Subsection does not apply to a governmental body's purchase, holding, or disposal of restricted securities for the purpose of reinvestment nor does it apply to a private investment fund's investment in restricted securities.

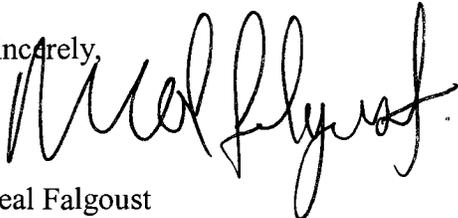
¹ We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than those submitted to this office.

Gov't Code § 552.143(c). You state the requested information consists of appraisals prepared for the benefit of Lake Luciana, L.L.C., ("Luciana") a restricted security in which the system and nine other unrelated entities have invested. *See id.* § 552.143(d)(3) (defining "restricted securities" for purposes of section 552.143). You explain the system's investment in Luciana was not for purposes of reinvestment. Based on these representations and our review, we find the system has demonstrated the applicability of section 552.143(c) to the requested information. Accordingly, with the exception of information the system must release pursuant to subsections 552.0225(b)(2)–(9), (11), and (13)–(16) of the Government Code, the system must withhold the requested information under section 552.143(c) of the Government Code.²

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,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/ag

Ref: ID# 484889

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²The exceptions to disclosure found in the Act do not apply to information that is made public by section 552.0225. Thus, as our ruling is dispositive, we need not address your remaining arguments against disclosure.