



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 1, 2013

Mr. Gary B. Lawson  
For the Dallas Police & Fire Pension System  
Strasburger & Price, L.L.P.  
901 Main Street, Suite 4400  
Dallas, Texas 75202

OR2013-07202

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# 485999.

The Dallas Police and Fire Pension System (the "system"), which you represent, received a request for the Knudson Luxury Housing IV ("Knudson") business plan and any related documents. 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 information. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

You argue the submitted information is excepted from disclosure under section 552.143 of the Government Code, which 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.

*Id.* § 552.143(c). You argue the information at issue consists of a business plan prepared exclusively for the benefit of Knudson, a restricted security in which the system and certain other unrelated persons have invested. *See id.* § 552.143(d)(3) (defining "restricted

securities” for purposes of section 552.143). You explain the system’s investment in Knudson was not for purposes of reinvestment. Accordingly, based on your representations and our review, we find the system has demonstrated the applicability of section 552.143(c) to the submitted 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 submitted information under section 552.143(c) of the Government Code.<sup>1</sup>

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,



Vanessa Burgess  
Assistant Attorney General  
Open Records Division

VB/dls

Ref: ID# 485999

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup>The exceptions to disclosure found in the Act do not apply to information that is made public by section 552.0225. As our ruling is dispositive, we need not address your remaining arguments against disclosure of the submitted information.