



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 22, 2013

Mr. Gary B. Lawson
Strasburger & Price, L.L.P.
901 Main Street, Suite 4400
Dallas, Texas 75202-3794

OR2013-08538

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# 487938.

The Dallas Police & Fire Pension System (the "system"), which you represent, received a request for e-mails exchanged between a system employee and either of two named individuals. The system claims the requested information is excepted from disclosure under sections 552.101, 552.103, 552.104, 552.105, 552.110, and 552.143 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

You assert the submitted information is excepted from disclosure under section 552.143(c) of the Government Code, which provides the following:

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.

Gov't Code § 552.143(c). You argue the submitted information pertains to the system's direct purchase, holding, or disposal of a restricted security. *See id.* § 552.143(d)(3)

(defining “restricted securities” for purposes of section 552.143). You inform us the submitted information involves the Museum Tower, which you state is not a governmental body. You state Museum Tower, L.P., is a limited partnership in which the system has invested through a wholly-owned limited liability company, and its investment 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 remaining information. Thus, 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.¹

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/tch

Ref: ID# 487938

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our ruling is dispositive, we need not address your remaining arguments against disclosure of the responsive information.