



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 8, 2013

Mr. David F. Brown
Counsel for the Texas Windstorm Insurance Association
Ewell, Bickham & Brown, LLP
111 Congress Ave, Suite 2800
Austin, Texas 78701

OR2013-17473

Dear Mr. Brown:

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# 501564 (TWIA ID# 000120).

The Texas Windstorm Insurance Association (the "association"), which you represent, received a request for all contracts held with outside adjusting firms that were in effect for a specified time period and all contracts held with six named companies. You state you will release some of the requested information in accordance with a previous ruling issued to the association in Open Records Letter No. 2011-08988 (2011). *See* Open Records Decision No. 673 (2001) (establishing criteria for previous determinations). Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of third parties. Thus, you notified these third parties of the receipt of the request for information and of their right to submit arguments to this office as to why the information at issue should not be released.¹ *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested

¹The notified parties are: ABJ Adjusters, Inc.; Amcat; AmeriCat, LLC; BrightClaim, Inc.; Brush Country Claims, Ltd.; Catastrophe Specialist Inc.; Crawford & Company; Cunningham & Lindsey U.S., Inc.; Eberl Claim Service, Inc.; GAB Robins North America, Inc.; Leading Edge Claims Service; Mason Catastrophe Claims, Inc.; N&C Claims Services; Pacesetter Claims Service; PASCO, Inc.; Sabine Claims Corporation; Schafer, Wood & Associates, Inc.; Team One Adjusting Services, LLC; The Littleton Group; US Adjusting Services; Vericlaim Inc.; and Wardlaw Claims Service.

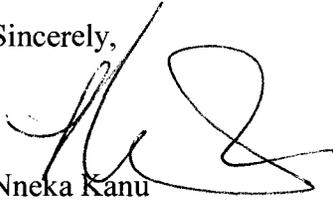
third party to raise and explain applicability of exception to disclosure in certain circumstances). We have reviewed the submitted representative sample of information.²

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 letter, we have not received arguments from any of the third parties. Thus, none of the third parties have demonstrated a protected proprietary interest in any of 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 association may not withhold the submitted information on the basis of any proprietary interests the third parties may have in the information. As no exceptions to disclosure have been raised, the association must release the submitted information.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Nneka Kanu
Assistant Attorney General
Open Records Division

NK/bhf

²We 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 that those records contain substantially different types of information than that submitted to this office.

Ref: ID# 501564

Enc. Submitted documents

c: Requestor
(w/o enclosures)

ABJ Adjusters, Inc. Corporation
P.O. Box 73065
Houston, Texas 77273
(w/o enclosures)

BrightClaim
3850 Holcomb Bridge Road, Suite 410
Norcross, Georgia 30092
(w/o enclosures)

Amcat
196 Southwestern Boulevard
Coppell, Texas 75019
(w/o enclosures)

Catastrophe Specialists
500 Turtle Cove Boulevard, Suite 110
Rockwall, Texas 75087
(w/o enclosures)

AmeriCat
P.O. Box 691145
San Antonio, Texas 78269-1145
(w/o enclosures)

Cunningham & Lindsey U.S.
1920 South Highland Avenue, Suite 333
Lombard, Illinois 60148
(w/o enclosures)

Brush Country Claims
P.O. Box 426
Alice, Texas 78333
(w/o enclosures)

Eberl Claim Service
7276 West Mansfield Avenue
Lakewood, Colorado 80235
(w/o enclosures)

Crawford and Company
P.O. Box 404579
Atlanta, Georgia 30348
(w/o enclosures)

GAB Robins North America
P.O. Box 7247-7162
Houston, Texas 19170
(w/o enclosures)

N&C Claim Service
4380 Independence Court
Sarasota, Florida 34234
(w/o enclosures)

Leading Edge Claims Service
1704 Tennison Parkway, Suite 110
Colleyville, Texas 76034
(w/o enclosures)

Pacesetter Claims Service
2871 North Highway 167
Catoosa, Oklahoma 74015
(w/o enclosures)

Mason Catastrophe Claims Service
121 Pecan Street
Boerne, Texas 78006
(w/o enclosures)

PASCO
7165 Colleyville Boulevard
Colleyville, Texas 76034
(w/o enclosures)

Sabine Claims Corporation
6630 U.S. Highway 69 South
Beaumont, Texas 77705
(w/o enclosures)

Schafer Wood & Associates
14200 North State Highway 289
Pottsboro, Texas 75076
(w/o enclosures)

VeriClaim
10101 SQ Freeway, Suite 655
Houston, Texas 77074
(w/o enclosures)

Wardlaw Claim Service
2725 Texas Central Parkway
Waco, Texas 76712
(w/o enclosures)

Team One Adjusting Services
Suite 140
8701 John West Carpenter Freeway
Dallas, Texas 75247
(w/o enclosures)

The Littleton Group
Building 1, Suite 550
1250 South Capital of Texas Highway
Austin, Texas 78746
(w/o enclosures)

Ms. Sue Griffin
Accounting Department
US Adjusting Services
4090 South Regent
Wichita Falls, Texas 76308
(w/o enclosure)