



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 13, 2024

Kimberly Bizzor Tolbert via email to: kimberly.tolbert@dallas.gov
Interim City Manager via fax to: (214) 670-3946
Dallas City Hall
1500 Marilla Street, Room 4EN
Dallas, Texas 75201

RE: Tex. Gov't Code § 411.209(f), Notice of Wrongful Exclusion of Handgun License Holders
 at Fair Park in Dallas, Texas

Dear Ms. Tolbert,

Texas Government Code § 411.209(a) states that “. . . a political subdivision of the state may not take any action, including an action consisting of the provision of notice by communication described by Section 30.06 or 30.07, Penal Code, that states or implies that a license holder who is carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03, Penal Code, or other law.”

Regarding Fair Park, owned by the City of Dallas, our office recognizes that the Cotton Bowl and other buildings or premises located within or on Fair Park that would be used for a high school, collegiate, professional sporting or interscholastic events would be premises where weapons are prohibited. Tex. Penal Code § 46.03(8). However, the entirety, or vast majority of the 277-acre Fair Park in Dallas is not a place where weapons are prohibited under Tex. Penal Code § 46.03.

The City's letter to our office dated February 21, 2023, states that the State Fair of Texas, a nonprofit organization, operates the annual State Fair of Texas at Fair Park in Dallas.

It is our understanding that through City Council Resolution 02-2405, approved August 28, 2002, the current Fair Park lease agreement became effective January 1, 2003, by which the City of Dallas and the State Fair of Texas entered into a 25-year lease to expire December 31, 2027. Through this lease agreement, the City of Dallas authorizes the State Fair of Texas to take control of the functions of operating the public city park, various city buildings, walkways and sidewalks contained within the 277 acres over a 24-day period.

As you may know, the State Fair of Texas has announced that persons with a license to carry (LTC) cannot bring their firearm to the fair. See: <https://bigtex.com/about-us/faq/>

Our office views this statement by the State Fair of Texas as an implication that the City of Dallas (a political subdivision of the state) is prohibiting a license holder from entering or remaining on

premises or other place owned or leased by the City of Dallas in violation of Tex. Gov't Code § 411.209(a).

To the extent that the State Fair of Texas, as a nonprofit organization, may have considered Texas Attorney General Opinion KP-0108 (dated August 9, 2016), in making its decision to exclude license holders from the entirety of the 277-acre Fair Park and all of its buildings, walkways and sidewalks, such reliance was misplaced in regard to the 277-acre Fair Park.

As the Attorney General has determined that legal action is warranted based upon the above referenced violation, the City of Dallas is hereby given 15 days from receipt of this notice to cure this violation. Should the violation not be cured, our office may file suit to seek injunctive relief and collect civil penalties of not less than \$1,000 and not more than \$1,500 for each violation, with each day of a continuing violation constituting a separate violation.

Sincerely,

/s/ Ernest C. Garcia

Ernest C. Garcia
Chief, Administrative Law Division
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Telephone: (512) 936-0804
Facsimile: (512) 320-0167
ernest.garcia@oag.texas.gov

cc:

Consuelo "Connie" Tankersley
Executive Assistant City Attorney
Chief-Real Estate / Construction Section
Office of the City Attorney
City Hall
1500 Marilla Street
Dallas, Texas 75201

via fax to: 214-670-0622

State Fair of Texas
c/o Robert B. Smith
General Counsel
3838 Oak Lawn Ave., Suite 1000
Dallas, Texas 75219

via email to: robert@smith-firm.com