



Texas House of Representatives

State Representative
Helen Giddings
District 109

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OPINION COMMITTEE

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OPEN RECORDS DIVISION

FILE # ML-44325-05

I.D. # 44325

July 11, 2005

RQ-0389-GA

The Honorable Greg Abbott
Attorney General of Texas
209 West 14th St.
P.O. Box 12548
Austin, TX 78711-2548

Re: Request for Attorney General's Opinion

Dear General Abbott:

I am writing at the request of and as a courtesy to Mr. Edgar Linzy a constituent, who is requesting an Attorney General's Opinion to clarify the following list of questions:

1. Does Cedar Hill ISD #057-904 or any school district have legal ability and authority to spend State and/or Federal tax dollars without contracts?
2. Are there any provisions under Texas government code, statues and/or laws that permit any government entity, elected official and/or public servant to bring legal charges of slander or libel against a citizen utilizing State and/or Federal funds? Conversely, are there any provisions under Texas government codes, stature and/or laws that permit any citizen to bring legal charges of slander or libel against any government body, entity?
3. Does the "Whistle Blowers Acts" envelope acts and actions that might arise from any failures by government within above noted questions one and two?
4. Do State and/or Federal codes, statutes and/or laws provide for personal liability exposure when an elected official, public servant or agent is found compromised by acts and actions wasting State and/or Federal tax dollars outside the public servant's immunity umbrella?

In addition to the four central questions, Mr. Linzy would also like a response to the following:

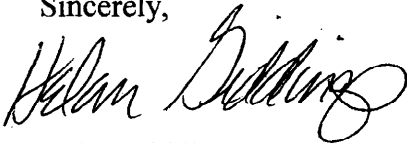
- a. Can State and/or Federal tax dollars be spent where the relationship, benefits and costs are concealed from public scrutiny and shielded from Open Records Acts?

*Committees: Chair, Business & Industry • Higher Education
House Administration • Chair, Research and Oversight Council*

- b. Provided these opinions and/or surround issues spawn State and/or Federal investigations. Would such occur and provide protection under the umbrella of any Whistle Blowers Acts and/or other legal devises?
- c. How would entities, agencies, individuals or agents be required to make restitution and/or reimbursement?
- d. How would such damages get calculated?
- e. Is Education Code 44.031F by nature, design and contemporary policy being used to thwart involvement of minority firms and contractors in vast areas of public needs?
- f. In the alternative, cite specific statuses, codes and/or laws that allow for or provide punitive measures and/or sanctions for acts and actions such as:
 - aa. Conducting the public business without any contract/retainer.
 - bb. Making false statements to State and/or Federal agencies and/or officials.
 - cc. Soliciting frivolous Attorney General Opinions Request.

Although we have no involvement in these issues, we respectfully request the Attorney General's opinion as a courtesy to a constituent. Correspondence can be sent to Mr. Linzy at 339 Trees Drive, Cedar Hill, Texas 75104-5025 or you can contact him at (972) 979-5694.

Sincerely,



Helen Giddings

Attachment (3)