

## **Citations from Public Information Act referred to in their cover letter**

### **Sec. 552.103. EXCEPTION: LITIGATION OR SETTLEMENT NEGOTIATIONS INVOLVING THE STATE OR A POLITICAL SUBDIVISION.**

(a) Information is excepted from the requirements of Section 552.021 if it is information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party.

(b) For purposes of this section, the state or a political subdivision is considered to be a party to litigation of a criminal nature until the applicable statute of limitations has expired or until the defendant has exhausted all appellate and postconviction remedies in state and federal court.

(c) Information relating to litigation involving a governmental body or an officer or employee of a governmental body is excepted from disclosure under Subsection (a) only if the litigation is pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information.

### **Sec. 552.107. EXCEPTION: CERTAIN LEGAL MATTERS.**

Information is excepted from the requirements of Section 552.021 if:

- (1) it is information that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct; or
- (2) a court by order has prohibited disclosure of the information.

### **Sec. 552.111. EXCEPTION: AGENCY MEMORANDA.**

An interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency is excepted from the requirements of Section 552.021.



CITY OF DALLAS

**VIA FAX NO. (512) 463-2092 AND**  
**CERTIFIED MAIL NO. 7005 2570 0000 1576 5729**

August 20, 2007

Honorable Greg Abbott  
Attorney General of Texas  
300 W. 15th Street  
Clements Building, 12th Floor  
P.O. Box 12548  
Austin, Texas 78711

Re: Request for an Open Records Decision

Dear General Abbott:

By letter (Exhibit A) received by the city of Dallas ("city") on August 6, 2007, Avi Adelman requested information pertaining to Certificates of Occupancy for businesses on Lower Greenville Avenue.

It is anticipated that some of the requested information will be exempt from mandatory disclosure under the Public Information Act, Chapter 552, Texas Government Code (the "Act"). The City Attorney's Office is responsible for representing the legal interests of the city and since we have not been able to review all the requested information, we would assert that certain information contained in Mr. Adelman's request may be protected from disclosure under Sections 552.101 through 552.142 of the Act, in particular Sections 552.103, 552.107, and 552.111 of the Act. Under Section 552.301 of the Act, this office now seeks your determination about whether the requested information falls within one of the Act's exceptions.

Our comments stating the reasons why the Act excepts the requested information from disclosure, and copies of the requested information (or samples if voluminous), will be mailed to your office by August 27, 2007, as required by Section 552.301(e) of the Act.

If you have any questions regarding this request for an open records decision please contact me or Assistant City Attorney Heather Silver at 214-670-3519.

Respectfully submitted,

A handwritten signature in black ink that reads "Jesús Toscano, Jr.".

JESÚS TOSCANO, JR.  
Administrative Assistant City Attorney

Attachments

August 20, 2007  
Honorable Greg Abbott  
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c: Thomas P. Perkins, Jr., City Attorney  
Heather Silver, Assistant City Attorney  
Joe Polino, Director, Department of Code Compliance  
Theresa O'Donnell, Director, Department of Development Services

Avi S. Adelman  
P. O. Box 721376  
Dallas, Texas 75372-1376



## CITY OF DALLAS

August 20, 2007

Avi S. Adelman  
P. O. Box 721376  
Dallas, Texas 75372-1376

Re: Request for an Open Records Decision

Dear Mr. Adelman:

This letter responds to your open records request received by the city of Dallas ("city") on August 6, 2007, for information pertaining to Certificates of Occupancy for businesses on Lower Greenville Avenue. It is anticipated that some of the requested information will be exempt from mandatory disclosure. The requested documents (or a representative sample if voluminous) will be sent to the Attorney General for an open records decision regarding their release by August 27, 2007, as required by Section 552.301(b) of the Public Information Act. A copy of the letter to the Attorney General is enclosed for your information.

If you have any questions regarding this request for an open records decision please contact me or Assistant City Attorney Heather Silver at 214-670-3519.

Sincerely,

A handwritten signature in black ink that reads "Jesus Toscano, Jr." in a cursive style.

JESUS TOSCANO, JR.  
Administrative Assistant City Attorney

Attachments

- c: Thomas P. Perkins, Jr., City Attorney
- Heather Silver Assistant City Attorney
- Joe Polino, Director, Department of Code Compliance
- Theresa O'Donnell, Director, Department of Development Services