



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 26, 1996

Mr. Mike A. Myers  
Chairman of the Board  
Dallas County Community College  
District Foundation, Inc.  
701 Elm Street, Suite 700  
Dallas, Texas 75202-3299

OR96-1276

Dear Mr. Myers:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 40460.

The Dallas County Community College District Foundation, Inc. (the "foundation") received a request to review documents pertaining to the name and address of each donor to the foundation, and the amount of money given by each donor from 1995 to the present, and the expenditures of the foundation. You contend that the foundation is not a governmental body subject to the Open Records Act because it does not receive public funds.

In the "Memorandum of Understanding" between the foundation and the Dallas County Community College District (the "district"), the district provides the foundation with office space, utilities and telephone, and use of personnel and equipment.<sup>1</sup> This is similar to the relationship between the University of Texas Law School Foundation and the University of Texas School of Law which this office addressed in Attorney General Opinion MW-373 (1981). In that opinion, this office held that because the Law School Foundation received support from the university that *is* financed by public funds, the Law School Foundation's records relating to the activities supported by public funds were subject to the Open Records Act. *Id.* at 11; *see also* Open Records Decision No. 602 (1992).

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<sup>1</sup>Memorandum of Understanding, paragraph four.

In the present case, the primary activities of the foundation are to solicit donations and to make contributions to or for the benefit of the district.<sup>2</sup> As we believe that district personnel are directly involved in these activities,<sup>3</sup> records relating to these activities are subject to the Open Records Act. Consequently, we conclude that the foundation must release the requested information to the requestor.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Todd Reese". The signature is written in a cursive style with a long horizontal line extending to the right.

Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/rho

Ref.: ID# 40460

Enclosures: Submitted documents

cc: Mr. Philip G. Thomas  
The Great American Dream Machine  
6431 Preston Crest  
Dallas, Texas 75230  
(w/o enclosures)

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<sup>2</sup>*Articles of Incorporation*, Article IV.

<sup>3</sup>We note that the district's Director of Development is the Chief Operating Officer of the foundation. See *Memorandum of Understanding*, paragraph five.