



February 8, 1999

Mr. Juan E. Gonzalez  
Attorney for City of Mercedes  
420 West University Drive  
Edinburg, Texas 78559

OR99-0362

Dear Mr. Gonzalez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121974.

The City of Mercedes (the city), which you represent, received a request for seven categories of information. You claim that the information requested in items three and four is excepted from disclosure by section 552.104 of the Government Code. Because you do not seek to withhold any information sought in the other five requests, we presume that you have released any information responsive to these requests. Request items three and four seek:

3. Copies of all and any correspondence from Mercedes Factory Outlet Mall, L.L.C. or developer Humberto Zamora to Ernesto Silva and from Ernesto Silva to Mercedes Factory Outlet Mall, L.L.C. regarding the outlet mall.

4. Copies of all and any documentation or correspondence from Mercedes Factory Outlet Mall, L.L.C. or developer Humberto Zamora to any other department of the city other than the City Manager's office.

We have considered the exception you claim and have reviewed the documents at issue.

Since the property and privacy rights of a third party may be implicated by the release of the requested information, this office notified Zamora Development Group about the request for information. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining that statutory predecessor to Gov't Code § 552.305 permits governmental body to rely on interested third party to raise and explain

prima facie case that information is trade secret), 542 at 3 (1990). The requested information must, therefore, be released.

We are resolving this matter with an 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 should 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, appearing to read "Don Ballard". The signature is written in a cursive style with a large initial "D".

Don Ballard  
Assistant Attorney General  
Open Records Division

JDB\nc

Ref: ID# 121974.

Enclosures: Submitted documents

cc: Mr. David Garza  
2190 West Highway 83  
Mercedes, Texas 78570  
(w/o enclosures)