



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 12, 2004

Mr. Brian Anthony Quintero
Assistant County Attorney
Harris County
1019 Congress, 15th Floor
Houston, Texas 77002

OR2004-0210

Dear Mr. Quintero:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 194181.

The Harris County Tax Assessor-Collector (the "tax assessor") received a request for the following six categories of information:

"1. The owner generated rendition or the Constitutionally and Property Tax Code mandated Assessment Document establishing the 2002 tax liability.

2. The AUTHORITY by which you can tax the Texas Letter Patent secured Private Property of a Citizen that is NOT used for the production of income, in full compliance with the First Plank of the Communist Manifesto, "abolition of private property", and in blatant TREASON to Article I Section 19 of the Texas Constitution.

1. The AUTHORITY by which you can ignore the Doctrine of Estoppel.

2. The AUTHORITY by which you can violate Article I Section 17 of the Texas Constitution by taking property, in the form of legal tender, for public use, without making just compensation therefore.

3. The **AUTHORITY** by which you can defiantly exceed at will, the bounds set forth by **Article I Section 29 of the Texas Constitution.**

4. The definition in either the Texas Constitution or the Property Tax Code that defines "citizen" found in **Article I Section 19 of the Texas Constitution** to have the same general meaning as the terms "natural person" or "corporation" found in **Article VIII of the Texas Constitution.**"

You state that the tax assessor does not possess the requested information pertaining to item one of the request. You claim that a response to the remaining items of the request would require the tax assessor to perform legal research in order to create and produce documents that would be responsive to those request items. We have considered your arguments. We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that person may submit comments stating why information should or should not be released).

Initially, we note that the tax assessor explains that there is no "assessment" that is responsive to the first request item because any such document that exists would be filed with the Harris County Appraisal District. The Public Information Act (the "Act") does not require a governmental body to disclose information that did not exist at the time that the government body received the request for information. *See Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); *see also* Open Records Decision No. 452 at 3 (1986). Furthermore, we note that a governmental body is not required to obtain information from another governmental entity so long as the entity does not hold the information on behalf of the governmental body. *See* Open Records Decision No. 534 (1989). Accordingly, we conclude that the tax assessor need not release any information to the requestor in response to the first item of the request.

Next, we note that the tax assessor contends that the remaining request items in the requestor's request would require it to perform legal research in order to create and produce documents that would be responsive to those request items. We note that in Open Records Decision No. 563 (1990), a requestor sought documents showing the authority of a non-profit corporation to engage in various activities. We ruled as follows:

While couched as requests for documents, these are essentially requests for federal and state laws and regulations governing the activities of the corporation and for a statement of the corporation's interpretation of these provisions. The Open Records Act does not require a governmental body to perform legal research for a requestor nor to answer general questions.

Id. at 8. Thus, we find that the tax assessor is not required to answer factual questions or perform legal research in response to the remaining request items and need not release any information to the requestor with regard to those request items in response to this ruling.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

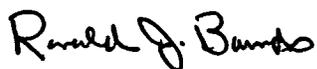
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Ronald J. Bounds
Assistant Attorney General
Open Records Division

RJB/lmt

Ref: ID# 194181

c: Mr. Robert Gardner Huebner
c/o 166 Broadhurst Drive
Houston, Harris County, Texas, N.A.
(w/o enclosures)