



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 25, 2006

Mr. Joel Littlefield
County attorney
Hunt County
P.O. Box 1097
Greenville, Texas 75403-1097

OR2006-12620

Dear Mr. Littlefield

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 262911.

Hunt County received a request for the following two items of information:

1. All records regarding any maintenance, repairs or work performed by or on behalf of Hunt County on County road # 2319 from January 1, 1993 through the date the records requested are due; and
2. All records establishing Hunt County's title to or acquisition of the property wherein County road #2319 is located, including but not limited to any transfer documents, grants deeds easements, conveyances, implied dedication for public use, orders conveying the property by eminent domain, adverse possession, or any other documents substantiating Hunt County's ownership or authority of County Road #2319.

As you raise no exception to the disclosure of the information responsive to the first requested item of information, if any exists, we assume that the county has released this information to the requestor. If the county has not released any existing information responsive to the first requested item, it must do so immediately. *See Gov't Code § 552.221(a)* (Requiring prompt production of requested public information).

You do not dispute that the records the requestor seeks in the second item are public information. Rather, you maintain that the Act does not require the county to produce the requested information because in doing so, the county must perform real estate title work, which you say amounts to performing research for the requestor.

This office has determined that the Act does not require a governmental body to perform research in response to a request. *See* Open Records Decision Nos. 563 (1990), 555 (1990). Although the request is couched in terms of a request for records, we believe item two is essentially a request for the county to perform research. *See* Open Records Decision Nos. 563 at 7 (1990). Accordingly, we agree that the Act does not require the county to respond to the second requested item.

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, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, 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 Office of the Attorney General 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. 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,

A handwritten signature in black ink, appearing to read "Kay Hastings", with a long horizontal flourish extending to the right.

Kay Hastings
Assistant Attorney General
Open Records Division

KH/sdk

Ref: ID# 262911

c: Ms Dianna M. Norton
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