



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 5, 2012

Ms. Susan K. Bohn
Interim Superintendent
Lake Travis Independent School District
3322 Ranch Road 620 South
Austin, Texas 78738

OR2012-00234

Dear Ms. Bohn:

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# 441549.

The Lake Travis Independent School District (the "district") received a request for information pertaining to five specified bonds, including bond broker pitches given to the district before and after the bonds, bond brokers and agencies selected for the bonds, financial institutions hired to manage the funds, and any board or administration conversations or meetings with regard to the brokers. You state you have released some of the requested information. You do not take a position as to whether the submitted information is excepted from disclosure under the Act. However, you state, and provide documentation showing, you notified Wells Fargo Securities; Bank of America Securities, LLC; BOSCO, Inc.; Edward Jones; First Southwest Company; Goldman Sachs; Jackson Securities; Texas Public Finance; Raymond James & Associates; UBS Securities; Southwest Securities; PFM Asset Management LLC; M R Beal & Company; and Morgan Keegan & Company, Inc. of the district's receipt of the request for information and of the right of each to submit arguments to this office as to why the requested information should not be released to the requestor. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 at 3 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on

interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have reviewed the submitted information.

Initially, we note you have only submitted request for proposal responses to this office. To the extent additional responsive information existed on the date the district received the instant request, we assume that information has been released to the requestor. If the district has not released any such information, the district must release it to the requestor at this time. *See Gov't Code* §§ 552.301(a), .302; *Open Records Decision No. 664 (2000)* (noting that if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible under circumstances).

An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See Gov't Code* § 552.305(d)(2)(B). As of the date of this letter, none of the interested third parties has submitted to this office any reasons explaining why the requested information should not be released. We thus have no basis for concluding any portion of the submitted information constitutes proprietary information of any interested third party, and the district may not withhold any portion of the submitted information on that basis. *See Open Records Decision Nos. 661 at 5-6 (1999)* (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret), 542 at 3.

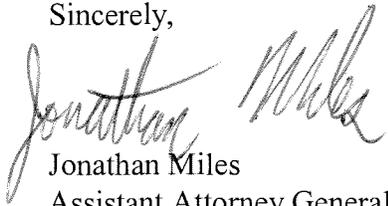
We note portions of the submitted information may be protected by copyright. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. *Open Records Decision No. 180 at 3 (1977)*. A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.*; *see Open Records Decision No. 109 (1975)*. If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit. As you raise no exceptions to disclosure, the district must release the submitted information, but any information protected by copyright may only be released in accordance with copyright law.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public

information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/em

Ref: ID# 441349

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Larry D. Groppe
Wells Fargo Securities
1445 Ross Avenue, Suite 210
Dallas, Texas 75202
(w/o enclosures)

Mr. James H. Stewart
Banc of America Securities LLC
300 Convent Street
San Antonio, Texas 78205
(w/o enclosures)

Mr. David G. Faris
Edward Jones
4500 Bissonnet Street, Suite 350
Bellaire, Texas 77401
(w/o enclosures)

Mr. Mike Jolly
BOSC, Inc.
333 West Campbell Road, Suite 350
Richardson, Texas 75080
(w/o enclosures)

Mr. Terry Thornton
Goldman Sachs
1000 Louisiana Street, 11th Floor
Houston, Texas 77002
(w/o enclosures)

Mr. Garry Kimball
First Southwest Company
300 West Sixth Street, Suite 1940
Austin, Texas 78701
(w/o enclosures)

Ms. Nora W. Chavez
Texas Public Finance
70 Northeast Loop 410, Suite 915
San Antonio, Texas 78216
(w/o enclosures)

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Jackson Securities
14001 Dallas Parkway, Suite 1200
Dallas, Texas 75240
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Mr. Craig Brast
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