



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 15, 2012

Mr. Ronald J. Bounds
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2012-02389

Dear Mr. Bounds:

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# 446273.

The City of Corpus Christi (the "city") received a request for development proposals the city received for a named building, a lease agreement for the named building between the city and two named individuals, total lease payments received under the specified lease agreement, lease agreements with the city for the use of a specified parking lot, and correspondence between the city, the named individuals, and a specified developer. You state some information has been or will be made available to the requestor. You claim the submitted information is excepted from disclosure under section 552.110 of the Government Code. You also inform us release of the submitted information may implicate the proprietary interests of the Leija Group ("Leija") and William Hoover ("Hoover"). Accordingly, you notified these third parties of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released).

An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information relating to that party should not be released. *See id.* § 552.305(d)(2)(B). As of the date of this ruling, we have not received comments from Leija or Hoover. Thus, we have no basis to conclude Leija or Hoover has a protected proprietary interest in any of the submitted information. *See id.* § 552.110(a)-(b); 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 the 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. Accordingly, the city may not withhold any of the information at issue on the basis of any proprietary interest Leija or Hoover may have in the information. As you raise no other exceptions to disclosure of the submitted information, it must be released.

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,



Jessica Marsh
Assistant Attorney General
Open Records Division

JM/em

Ref: ID# 446273

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Jesus A. Leija
The Leija Group
801 South Tancagua
Corpus Christi, Texas 78401-3429
(w/o enclosures)

Mr. William L. Hoover
13411 FM 1560 North
Helotes, Texas 78023
(w/o enclosures)