



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 9, 2014

Mr. Ted Murphee  
Assistant City Attorney  
City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283

OR2014-22275

Dear Mr. Murphee:

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# 546920 (COSA File No. W032938-092414).

The City of San Antonio (the "city") received a request for all documents and records regarding permits, building plans, and other records relating to the construction of a named restaurant at a specified address. You state the city is providing the requestor with some of the requested information. Although you take no position as to whether the remaining requested information is excepted from disclosure, you state its release may implicate the interests of third parties. Accordingly, you state, and provide documentation demonstrating, the city notified the third parties of the request for information and of their right to submit arguments stating why their information should not be released.<sup>1</sup> 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 statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have reviewed the submitted information.

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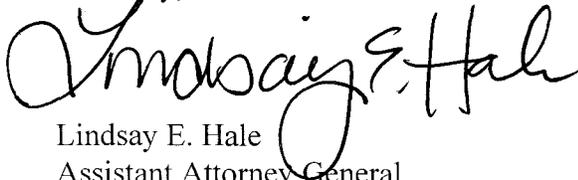
<sup>1</sup>The third parties notified pursuant to section 552.305 are the following: ArchComm Design, Inc. Architects; Goulas & Associates, Inc.; Guthammer Construction; Matrix Structural Engineers; Schwab Structural Engineering, Inc.; and Sprint PCS.

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) of the Government Code 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, this office has not received comments from any of the third parties explaining why their information should not be released to the requestor. Thus, we have no basis to conclude the release of the submitted information would implicate the interests of third parties, and none of the submitted information may be withheld on that basis. *See id.* § 552.110; 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. As no exceptions to disclosure have been raised, the city must release the submitted information.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Lindsay E. Hale  
Assistant Attorney General  
Open Records Division

LEH/akg

Ref: ID# 546920

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Goulas & Associates, Inc.  
5959 West Loop South Suite 504  
Bellaire, Texas 77401  
(w/o enclosures)

Matrix Structural Engineers  
4888 Loop Central Drive, Suite 505  
Houston, Texas 77081  
(w/o enclosures)

Guthammer Construction  
4320 Industrial Center  
San Antonio, Texas 78217  
(w/o enclosures)

Schwab Structural Engineering, Inc.  
555 IH-35 South, Suite 210  
New Braunfels, Texas 78130  
(w/o enclosures)

Sprint PCS  
1431 Mockingbird Lane, Suite 600E  
Dallas, Texas 75247  
(w/o enclosures)

ArchComm Design, Inc. Architects  
1840 Lochill-Selma, Suite 101  
San Antonio, Texas 78213  
(w/o enclosures)