



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 31, 2015

Ms. Criselda Palacios
City Attorney
City of Edinburg
P.O. Box 1079
Edinburg, Texas 78540

OR2015-06109

Dear Ms. Palacios:

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# 558006.

The City of Edinburg (the "city") received a request for the building plans for a specified apartment complex. Although you take no position as to whether the requested information is excepted under the Act, you state release of the requested information may implicate third party proprietary interests. Accordingly, the city notified Professional Drive Apartments ("Professional"), Parkcrest Builders ("Parkcrest"), Ted Trout Architect & Associates ("Ted Trout"), Integrity Structural Corporation ("Integrity"), HGE Consulting ("HGE"), Spoor Engineering ("Spoor"), and Chin & Associates ("Chin), of the request for information and of their right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (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 representative sample of information.¹

¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

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 information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from Professional, Parkcrest, Ted Trout, Integrity, HGE, Spoor, or Chin explaining why the submitted information should not be released. Therefore, we have no basis to conclude any of the third parties have a protected proprietary interest in the information. *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. Accordingly, the city may not withhold any of the submitted information on the basis of any proprietary interest Professional, Parkcrest, Ted Trout, Integrity, HGE, Spoor, or Chin may have in the information. 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, 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,



Rustam Abedinzadeh
Assistant Attorney General
Open Records Division

RA/dls

Ref: ID# 558006

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Professional Drive Apartments
5851 San Felipe, Suite 220
Houston, Texas 77057
(w/o enclosures)

Parkcrest Builders
5851 San Felipe, Suite 220
Houston, Texas 77057
(w/o enclosures)

Ted Trout Architect & Associates, Ltd.
6363 Woodway, Suite 550
Houston, Texas 77057
(w/o enclosures)

Integrity Structural Corp.
12777 Jones Road, Suite 388
Houston, Texas 77070
(w/o enclosures)

HGE Consulting
7171 Highway 6 North, Suite 206
Houston, Texas 77095
(w/o enclosures)

Spoor Engineering Consultants, Inc.
202 South 4th Street
McAllen, Texas 78501
(w/o enclosures)

Chin & Associates Landscape Architects
11019 Petworth Drive
Houston, Texas 77072
(w/o enclosures)