



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 17, 2015

Mr. Ronn P. Garcia  
Counsel for the Frenship Independent School District  
Underwood Law Firm, P.C.  
P.O. Box 16197  
Lubbock, Texas 79490

OR2015-16981

Dear Mr. Garcia:

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# 575935.

The Frenship Independent School District (the "district"), which you represent, received a request for information related to construction and installation of the district's new turf fields and of turf at a specified location during a specified time period.<sup>1</sup> Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of BGR Architects ("BGR"); FieldTurf; Hellas Construction, Inc. ("Hellas"); Mid-America Golf & Landscape ("Mid-America"); Paragon Sports Constructors, L.L.C. ("Paragon"); and Swank Sports ("Swank"). Accordingly, you state, and provide documentation showing, you notified BGR, FieldTurf, Hellas, Mid-America, Paragon, and Swank of the request for information and of the right of each to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision

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<sup>1</sup>You state the district sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

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 information.

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 BGR, FieldTurf, Hellas, Mid-America, Paragon, or Swank explaining why the submitted information should not be released. Therefore, we have no basis to conclude BGR, FieldTurf, Hellas, Mid-America, Paragon, or Swank has a protected proprietary interest in the submitted 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 district may not withhold the submitted information on the basis of any proprietary interest BGR, FieldTurf, Hellas, Mid-America, Paragon, or Swank may have in the information. As no exceptions to disclosure have been raised, the district 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,



Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/som

Ref: ID# 575935

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Jim Melton  
BGR Architects  
2118 34th Street  
Lubbock, Texas 79411  
(w/o enclosures)

FieldTurf  
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Montreal, Quebec  
CANADA QC H4T 1G2  
(w/o enclosures)

Hellas Construction, Inc.  
12710 Research Boulevard, Suite 240  
Austin, Texas 78759  
(w/o enclosures)

Mid-America Golf & Landscape  
1621 SE Summit Avenue  
Lees Summit, Missouri 6401  
(w/o enclosures)

Paragon Sports Constructors, L.L.C.  
5001 Saunders Road  
Fort Worth, Texas 76119  
(w/o enclosures)

Swank Sports  
P.O. Box 1486  
Del Valle, Texas 78617  
(w/o enclosures)