



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 2, 2015

Mr. Barry Heslop
Law Office of Barry C. Heslop
1111 Heights Boulevard
Houston, Texas 77008

OR2015-20757

Dear Mr. Heslop:

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# 582196.

The Law Office of Barry Heslop (the "law office") received a request for certain records of a notary public who works at the law office. You state the law office is not a governmental body subject to the Act. In the alternative, you claim the requested information is excepted from disclosure under sections 552.101 and 552.107 of the Government Code. We have considered your arguments and reviewed the submitted information.

You assert the law office it is not a governmental body.¹ The Act defines "governmental body" in pertinent part as:

the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that spends or that is supported in whole or in part by public funds[.]

Gov't Code § 552.003(1)(A)(xii). "Public funds" means "funds of the state or of a governmental subdivision of the state." *Id.* § 552.003(5). The Texas Supreme Court has

¹We note we asked the law office to provide additional information pursuant to section 552.303 of the Government Code. *See* Gov't Code § 552.303(e)-(d) (if attorney general determines information in addition to that required by section 552.301 is necessary to render decision, written notice of that fact shall be given to governmental body and requestor, and governmental body shall submit necessary additional information to attorney general not later than seventh calendar day after date of receipt of notice). We have received and considered the correspondence sent by the law office pursuant to that request.

defined “‘supported in whole or part by public funds’ to include only those private entities or their sub-parts sustained, at least in part, by public funds, meaning they could not perform the same or similar services without the public funds.” *Greater Houston P’ship v. Paxton*, No. 13-0745, 2015 WL 3978138, at *9 (Tex. June 26, 2015). Thus, section 552.003(1)(A)(xii) encompasses only those private entities that are dependent on public funds to operate as a going concern, *see id.* at *7, and only those entities acting as the functional equivalent of the government, *see id.* at *8.

This office asked the law office if it met the definition of a governmental body as defined above. The law office responded by stating it does not. Further, this office understands the law office is not sustained by public funds. Therefore, on the basis of the law office’s representation, we conclude the law office is not sustained by public funds. *See id.* at *9. Consequently, the law office does not fall within the definition of a “governmental body” under section 552.003(1)(A)(xii) of the Government Code and is not subject to the Act. Thus, the law office is not required to respond to the request for information under the Act.²

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,



Tamara R. Strain
Assistant Attorney General
Open Records Division

TRS/cbz

²As our ruling is dispositive, we do not address the law office’s arguments to withhold this information under the Act. We note although section 406.014 of the Government Code makes public certain records of a notary public, this section does not make the records of notaries public subject to the Act. *See Gov’t Code* § 406.014 (information in a notary’s log book is public).

Ref: ID# 582196

Enc. Submitted documents

c: Requestor
(w/o enclosures)