



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 8, 2016

Mr. Rolando Garza
Chairman of the Board
Anos de Oro Senior Housing
1220 West Kenedy
Kingsville, Texas 78363

OR2016-15482

Dear Mr. Garza:

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# 618635.

Los Anos De Oro Services, Inc. ("Los Anos de Oro") received a request for information regarding rents, expenditures, collections, and other monetary transactions related to a specified property over a specified period of time. You claim Los Anos de Oro is not a governmental body, and thus, is not subject to the Act. We have considered your argument.

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 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*, 468 S.W.3d 51, 63 (Tex. 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 61, and only those entities acting as the functional equivalent of the government, *see id.* at 62.

You state, and provide documentation demonstrating, Los Anos de Oro is a non-profit section 501(c)(3) corporation. You explain Los Anos de Oro “is sponsor[ed] by the Knights of Columbus Council 2623,” which appoints its members to serve on the board of directors of Los Anos de Oro. You also explain the specified property was built “with funds obtain[ed] from the Kenedy Foundation.” Based on your representations, we find Los Anos de Oro is not sustained by public funds. *See id.* at 63. Therefore, Los Anos de Oro 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. Accordingly, Los Anos de Oro need not respond to the present request for 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,



Ian Lancaster
Assistant Attorney General
Open Records Division

IML/akg

Ref: ID# 618635

c: Requestor