

COATS, ROSE, YALE, HOLM, RYMAN & LEE

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

800 FIRST CITY TOWER

1001 FANNIN

HOUSTON, TEXAS 77002-6707

TELEPHONE (713) 651-0111

TELECOPIER (713) 651-0220

600  
file # ~~AL-19864-9~~  
ID # 19864  
PM 10-30-92

30 October 1992

FACSIMILE (512) 463-2092  
AND FEDERAL EXPRESS

Ms. Madeleine Johnson  
Opinion Committee  
Office of the Attorney General  
State of Texas  
209 West 14th Street, 7th Floor  
Austin, Texas 78701

RQ-543

Re: Request for Open Records Decision on Behalf of the Sam Houston  
Race Park Authority

Dear Ms. Johnson:

Our firm represents the Sam Houston Race Park Authority (the "Authority"), a public, non-profit local government corporation created pursuant to Section 7 of Chapter 1241, Acts of the 71st Legislature of the State of Texas, Regular Session, 1989 as a duly constituted authority of a county to aid and assist the county in the performance of one or more governmental functions. The Resolution of the Commissioners Court of Harris County (copy enclosed) provides that the Authority shall comply with the Open Meetings Act, Tex. Rev. Civ. Stat. Ann. Art. 6252-17 and the Open Records Act, Tex. Rev. Civ. Stat. Ann. Art. 6252-17a in the same manner as if the Authority were a county.

The Authority has received an Open Records request dated 23 October 1992 from Andrew D. Kreston, C.P.A. A copy of Mr. Kreston's request is enclosed for your reference.

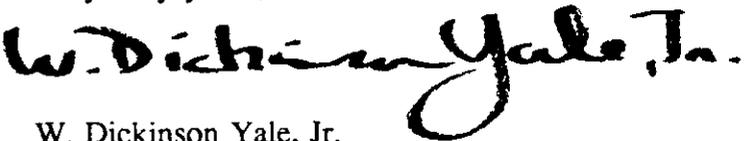
Mr. Kreston has requested that the Authority make available for his inspection a copy of all notes taken by any members of the Authority's Board of Directors. If any notes were taken by Board members (which we do not know at this point), such notes were not used by the Authority's attorneys for the preparation of the official minutes and are treated by the Authority as the private and personal notes of each individual Board member.

The members of the Authority's Board seek to withhold their personal notes under Section 3(a) of the Open Records Act which excepts from disclosure information "where the governmental body does not have either a right of access to or ownership of the information ... ." The Board members contend that any notes that they may have taken are their own personal notes and that the Authority does not have a right of access to or ownership of the notes. In addition, Board members seek to withhold their personal notes under Section 3(a)(9) of the Open Records Act, the exception relating to private correspondence and communication of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy.

We are in the process of collecting the copies of the Board members' notes that the Directors of the Authority do not believe are subject to disclosure, if in fact any such notes exist. We will forward copies of these documents to you for your review as soon as they are available to us.

We hereby request the Attorney General's opinion regarding disclosure of the Board members' notes. If you have any questions, please call the undersigned at (713) 651-0111.

Very truly yours,



W. Dickinson Yale, Jr.

cc: Board of Directors  
Sam Houston Race Park Authority

Mr. Andrew D. Kreston, C.P.A.  
Westchase Square Building  
2821 Wilcrest, Suite 610  
Houston, Texas 77042

Mr. Kevin Mauzy  
Ex Officio Clerk  
Harris County Commissioners Court

Andrew D. Kreston, CPA

Westchase Square Bldg.  
2825 Wilcrest Suite 610  
Houston, Texas 77042

713-9751918  
713-9758846 FAX

October 23, 1992

P 446 737 708  
Andrew Jefferson  
2100 Travis  
Houston, Tx 77002

P 079 008 106  
Sammy Ditta  
4924 Oak  
Pasadena, Tx 77503

P 446 737 709  
Gary L. Sizenbach  
23330 Bailey Rd.  
Tomball, Tx 77375

P 446 737 710  
Russell Hardin, Jr.  
1201 Louisiana  
Houston, Tx 77002

P 079 008 105  
A. Ross Rommel, Jr.  
4200 Texas Commerce Tower  
Houston, Tx 77002

Gentlemen:

The purpose of this letter is to make a written request for certain information of the Sam Houston Race Park Authority. Such requests are requests are being made pursuant to your obligations under the Open Meetings Act, Article 6252-17 et seq, Vernon's Ann. Civ. St., and the Open Records Act, Article 6252-17a et seq.

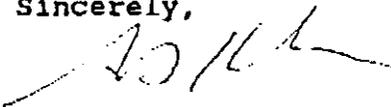
FORMAL DEMAND is hereby made that I be notified of all emergency meetings at least two hours in advance of such meeting. I can be reached in person at the above address, or, you may leave a message on my voice mail at (713) 975-1918. Finally, please inform me in writing that my name has been added to a list of persons who will receive such notices.

FORMAL DEMAND is hereby made that each of you make available, for mine and/or other public inspection and/or copying, the following:

1. A copy of the agenda of each meeting held since inception of Sam Houston Race Park Authority;
2. A copy of all official Board of Directors minutes for each meeting;
3. A copy of the unofficial transcripts and/or tape of all meetings;
4. A copy of all notes taken by any board members.

It is my understanding that each of you have 10 days to respond to this request. I appreciate your help in these matters. Please feel free to contact me if you have any questions.

Sincerely,



Andrew D. Kreston, CPA