

No. _____

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| KEN PAXTON, TEXAS ATTORNEY GENERAL, <i>Petitioner,</i> | § § § § § § § § § § § | IN THE DISTRICT COURT OF TRAVIS COUNTY, TEXAS _____ JUDICIAL DISTRICT |
| v. | | |
| CITY OF SAN ANTONIO and ERIK WALSH, in his official capacity as City Manager of City of San Antonio, <i>Respondents.</i> | | |

**Original Petition for Writ of Mandamus
Under Section 552.321(a) of the Government Code**

Petitioner Ken Paxton, Attorney General of Texas (Attorney General), files this Original Petition for Writ of Mandamus under the Public Information Act (“PIA”), Chapter 552 of the Texas Government Code, against Respondents City of San Antonio and Erik Walsh, in his official capacity as City Manager of the City of San Antonio (collectively the “City”), and alleges as follows:

Discovery Control Plan

1. Plaintiff intends to conduct discovery under Level 2 of Texas Rule of Civil Procedure 190.3 and affirmatively pleads that this case is not governed by the expedited-actions process in Texas Rule of Civil Procedure 169 because the relief sought includes non-monetary injunctive relief.

Parties

2. Petitioner Ken Paxton, Attorney General of Texas, brings this suit in his official capacity as the Attorney General of the State of Texas, under the authority of Texas Government Code section 552.321(a). Petitioner is also the public information requestor.

3. Respondent City of San Antonio is a home-rule municipality in Bexar County, Texas. Charter of the City of San Antonio at §§ 1, 3(1).

4. Respondent Eric Walsh is the City Manager for the City of San Antonio and is responsible for enforcing all laws and ordinances and exercising administrative supervision and control over all departments. Charter of the City of San Antonio at § 46(1), (3).

5. The City Manager is the chief administrative officer of the City of San Antonio. Charter of the City of San Antonio at § 46(3). Therefore, the City Manager is the officer for public information. Tex. Gov't Code § 552.201(a). Accordingly, the City Manager must promptly disclose public information. Tex. Gov't Code § 552.221(a).

6. Respondents may be served with civil process by serving Leticia M. Vacek, City Clerk, at 114 W. Commerce, San Antonio, Texas 78205. Tex. Civ. Prac. & Rem. Code § 17.024(b); Charter of the City of San Antonio, Art. 2, § 10.

Jurisdiction and Venue

7. The Court has jurisdiction over this mandamus action under Tex. Gov't Code § 552.321(a). *See Kallinen v. City of Houston*, 462 S.W.3d 25 (Tex. 2015).

8. Venue is mandatory in Travis County, Texas. Tex. Gov't Code § 552.321(b).

Background

9. The Texas Legislature enshrined the Public Information Act into law on the explicit premise that “government is the servant and not the master of the people” so “it is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees.” Tex. Gov't Code § 552.001.

10. Specifically, the Legislature enshrined in law a policy that: “The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.” *Id.* Thus, under state law, governments are banned from simply choosing to unilaterally withhold public information from citizens.

11. The Legislature further provided that: “The people insist on remaining informed so that they may retain control over the instruments they have created.” *Id.* To further enforce this policy, the Legislature commanded that: “The provisions of this chapter shall be liberally construed to implement this policy.” *Id.*

Attorney General Requests Public Information

12. On March 28, 2019, Attorney General Paxton wrote to the mayor and members of the San Antonio City Council advising them that he had “directed my office to open an investigation into whether the City’s action violates state law.” In addition, he included a copy of a letter from Attorney General Paxton to United States Department of Transportation Secretary Elaine Chao asking the Department of Transportation to open an investigation into San Antonio’s potential breach of federal law and agency regulations prohibiting religious discrimination. *Exhibit A*. Specifically, Attorney General Paxton asked Secretary Chao to inquire as to the City Council’s 6-4 vote to exclude Chick-Fil-A from an airport concessionaire contract because of the religious beliefs of the restaurant’s owners. *Exhibit A*.

13. On April 11, 2019, Attorney General Ken Paxton submitted a public information request to the City of San Antonio. The request sought records on four topics related to the City’s decision to remove Chick-Fil-A from the airport concessionaire contract. *Exhibit B*.

The City Refuses to Comply with the Attorney General's Investigation

14. On April 24, 2019, Edward F. Guzman, the Deputy City Attorney for the City of San Antonio, submitted a letter to the Open Records Division of the Attorney General stating that the City “seeks to withhold some of the requested records pursuant to” 63 exceptions to disclosure in the PIA, and requesting a ruling. *Exhibit C*.

15. On May 2, 2019, the City submitted an additional letter presenting arguments and law in support of the exceptions claimed. The only exception relied upon in the May 2 letter is the “litigation exception” set forth in section 552.103 (“Litigation or Settlement Negotiations Involving the State or a Political Subdivision”). Tex. Gov’t Code 552.103(a). In support of its argument, the City stated that “it is reasonable to surmise that the Office of Attorney General is actively investigating the City of San Antonio in preparation for possible legal action related to the information being requested.” *Exhibit D*. The City also pointed to the Attorney General’s encouragement of the federal Department of Transportation to open its own investigation. *Id.*

16. The City cited no actual litigation involving the City’s removal of Chick-fil-A from the concessionaire contract. Nor did it point to any threat of litigation, either by the Attorney General or the federal government. Instead, the City solely relied upon the Attorney General’s announcement of an investigation, its encouragement of a federal

investigation,¹ and public mention of a request for information. It then argued that it is “reasonable to surmise” that the Attorney General’s investigation is a prelude to some “possible legal action” in the indefinite future. *Exhibit C*, p. 4.

The City Asserts Exemption from Virtually All Public Information Requests

17. The City claims that any “investigation” coupled with a public records request means that litigation may be anticipated. An “investigation,” however, is defined merely as “[t]he activity of trying to find out the truth about something” via an inquiry. Black’s Law Dictionary (10th ed. 2014).

18. By nature, a request for information under the PIA is an “activity of trying to find out the truth about something.” To put it another way: virtually all public information requests are the result of some type of “investigation.”

19. Under the city’s argument, virtually all requests for information—activities “trying to find out the truth about something”—automatically give rise to “anticipated litigation” that justifies application of the litigation exception. This is especially true any time an issue may be in some way controversial or the request is lodged by a government entity.

¹ After the City submitted its May 2 letter, the Federal Aviation Administration Office of Civil Rights announced that it had opened investigations into the exclusion of Chick-fil-A from contracts at the San Antonio International Airport and Buffalo Niagara International Airport. FAA investigating religious discrimination complaints after airports exclude Chick-fil-A, at <https://www.foxnews.com/faith-values/faa-investigating-airports-amid-claims-it-discriminated-against-chick-fil-a>. Like the Attorney General’s investigation, the FAA’s investigation into the City’s exclusion of Chick-fil-A, without any specific or expressed threat of litigation, does not support invocation of the litigation exception.

20. Applying the City’s reasoning, public would be precluded from *ever* receiving information about a topic under investigation via a public information request. At the very least, the City would bar government actors from investigating facts using a PIA request. This circular reasoning would, in practice, effectively eliminate the Public Information Act for government actors, and quite possibly for the public at large.

21. The Legislature did not intend that result. Rather, the Legislature explicitly and repeatedly provided elsewhere for numerous forms of investigation, *see, e.g.*, Tex. Bus. & Com. Code § 17.61 (providing for civil investigative demands for consumer-protection investigations), and yet, the Public Information Act contains no “investigation” exception, which makes sense considering that information requests *themselves* may be considered investigation.

22. Under Tex. Gov’t Code § 552.103(a), information is excepted from disclosure “if it is information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party.” The exception applies “*only* if the litigation is pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information.” Tex. Gov’t Code § 552.103(c) (emphasis added).

23. The City insinuates that litigation may happen later, yet the City is barred—by law—from even inquiring as to a motive for a public information request. Tex. Gov’t Code § 552.222(a), (b) (providing that “the governmental body may not inquire into the purpose for which information

will be used.”). So, the City instead relies solely upon its assumptions about motives it cannot, by law, inquire into. This is all the more reason why the law insists upon objective indicators to establish that litigation is actually anticipated. Otherwise, governments could—and would have incentive to—freely impugn the motives of citizens when, by law, governments are barred from inquiring as to the actual facts from the citizens whose motives they impugn.

24. To the knowledge of the Office of the Attorney General, there is no pending or threatened civil litigation against the City of San Antonio relating to its exclusion of Chick-fil-A.² Nor has there been a whisper about a criminal investigation or charges of any kind.

First Cause of Action

25. The Attorney General files this suit for writ of mandamus under PIA section 552.321 to compel Respondents to make public information available to the requestor. The Attorney General is entitled to mandamus because Respondents have refused to supply public information.

26. The public has an interest in the information. The information sought by the Attorney General relates to the City of San Antonio’s decision to exclude Chick-fil-A from a public contract because of the

² Moreover, Chick-fil-A—the party with the most immediate grievance and basis for a lawsuit against the City—has publicly disclaimed any involvement with the FAA’s investigation, and has reiterated that it is a “restaurant company focused on food and hospitality for all” with “no social or political stance.” FAA investigating religious discrimination complaints after airports exclude Chick-fil-A, at <https://www.foxnews.com/faith-values/faa-investigating-airports-amid-claims-it-discriminated-against-chick-fil-a>. Like the Attorney General’s investigation, the FAA’s investigation into the City’s exclusion of Chick-fil-A, without any specific or expressed threat of litigation, does not support invocation of the litigation exception.

sincerely held religious beliefs of its owners, and despite the fact that Chick-fil-A has a long and undisputed track record of serving its customers without bias or discrimination.

27. The City refuses to provide the public information because it argues that the existence of an “investigation”—even an investigation under the PIA itself—means that litigation may be reasonably anticipated. *Exhibit D*. In effect, the City argues that any investigation, or “activity of trying to find out the truth about something,” exempts the City from disclosing public information. Black’s Law Dictionary (10th ed. 2014); *see also Exhibit D* (City’s argument for concealing the information).

28. If the City prevails here, then the public would be precluded from ever requesting any information whenever a government actor says that there may be a legal dispute at some point. This would, in practice, effectively eliminate the Public Information Act by creating an unlimited exception.

29. Moreover, governments in Texas have consistently had to provide more concrete proof of an actual threat of litigation in order to withhold information for decades now. *See Open Records Decision No. 452 at 4 (1986)* (requiring governmental body to provide “concrete evidence showing that the claim that litigation may ensue is more than mere conjecture.”). Such evidence may include, for instance, receipt of a letter containing a specific threat to sue the governmental body from an attorney for a potential opposing party. *See Open Records Decision No. 555*

(1990); *see also* Open Records Decision No. 518 at 5 (1989) (litigation must be “realistically contemplated”).

30. Consistent with that, governments are unable to withhold information even if an individual *publicly threatens* to bring suit but does not actually take objective steps towards filing suit. *See* Open Records Decision No. 331 (1982) (finding no reasonably anticipated litigation when objective steps are not taken, even with a public threat of litigation).

31. In fact, it is still not enough that an opposing party has hired an attorney who makes a request for information, *see* Open Records Decision No. 361 (1983), let alone one who uses existing staff attorneys.

32. By contrast, the City’s position—that investigation itself means litigation is “reasonably anticipated”—contradicts Texas law, the Public Information Act as a whole, the policy underlying the Public Information Act, and decades of government practice in Texas.

Second Cause of Action

33. The Attorney General files this suit for writ of mandamus under PIA section 552.321 to compel Respondents to make public information available to the requestor. The Attorney General is entitled to mandamus because Respondents have refused to supply public information.

34. The City informed the Open Records Division of the Office of the Attorney General that it would only release information “that are

available to the public, or have been released through some other forum . . .
.” *Exhibit D*, p. 2.

35. The City only released documents to the Attorney General that it had already released to the public, such as the City’s prior official public statements. *Exhibit D, Attachment IV*.

36. Regardless of its promise to release some public information, the City is still withholding information that had already been released to the public. The Attorney General wrote to the City on March 28, 2019 and included mention of a letter by a city council member apologizing to Chick-Fil-A for the City’s actions. The City nonetheless withheld that letter and refuses to disclose communications about that letter or drafts of that letter.

37. In addition, the City specifically chose to withhold information critical of its mayor in the midst of his ongoing re-election bid. This suggests the City may be acting in bad faith.

38. Regardless, the City decided to hide information from the public rather than serving the public’s interests.

39. The City continues withholding information that it has apparently already released to the media.

Claim for Attorney’s Fees

40. The Attorney General has required the services of an attorney in prosecuting this lawsuit. He is being represented by the undersigned Assistant Attorneys General in this matter. If he prevails in this lawsuit, he requests reasonable attorney’s fees and litigation costs under Tex. Gov’t

Code § 552.323(a). Attorney’s fees and costs are mandatory if the Attorney General prevails on his claim for writ of mandamus.

Request for Disclosure

41. Petitioner requests that Respondents disclose, within 50 days of the service of this request, the information or material described in TEX. R. CIV. P. 194.3.

Conclusion and Prayer

42. The Texas Legislature provided law and policy under which “[t]he people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.” Tex. Gov’t Code § 552.001. The City’s actions, however, contradict both Texas law, through the PIA, and Texas’s policy of open government.

43. Petitioner Ken Paxton, Attorney General of Texas, respectfully asks the Court to summon Respondents to show cause why a writ of mandamus should not be issued, and, after final hearing, to issue a writ of mandamus compelling Respondents to make the information requested available to the requestor, Petitioner Ken Paxton, the Attorney General of Texas.

44. Petitioner further asks that all costs of litigation, including court costs and attorney’s fees, be adjudged against Respondents.

45. Petitioner further prays for such other and further relief to which he may be entitled.

Dated: June 3, 2019

Respectfully submitted,

KEN PAXTON
Attorney General

JEFFREY C. MATEER
First Assistant Attorney General

DARREN L. MCCARTY
Deputy Attorney General for Civil Litigation

CRAIG J. PRITZLAFF
Chief, Administrative Law Division

/s/ CLEVE W. DOTY
CLEVE W. DOTY
Assistant Attorney General
State Bar No. 24069627

CHARLES K. ELDRED
Assistant Attorney General
State Bar No. 00793681

Administrative Law Division
OFFICE OF THE ATTORNEY GENERAL OF TEXAS
P.O. Box 12548 (MC 018)
Austin, Texas 78711-2548
Telephone: 512-475-4136
Facsimile: 512-474-1062
cleve.doty@oag.texas.gov
charles.eldred@oag.texas.gov

ATTORNEYS FOR PLAINTIFF



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 28, 2019

Mayor Ron Nirenberg
Members of the City Council
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283

**Re: Discriminatory Treatment of Chick-fil-A in the City's Concessionaire
Contract for San Antonio International Airport**

Dear Mayor Nirenberg and City Councilmembers:

The Constitution's protection of religious liberty is somehow even better than Chick-fil-A's chicken. Unfortunately, I have serious concerns that both are under assault at the San Antonio airport. Please see the enclosed letter from my office to Secretary of Transportation Elaine Chao highlighting my concerns that the City's recent action to remove Chick-fil-A from the City's new airport concessionaire contract may violate federal law and applicable federal regulations. You should also note that I have directed my office to open an investigation into whether the City's action violates state law. I trust the City will fully cooperate with my investigation into this matter, and will abide by relevant federal and state laws in the future.

Very truly yours,

A handwritten signature in blue ink that reads "Ken Paxton".

Ken Paxton
ATTORNEY GENERAL OF TEXAS

Enclosure



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 28, 2019

The Honorable Elaine Chao
Secretary of the U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Re: Potential Religious Discrimination by Grant Recipient City of San Antonio

Dear Madam Secretary:

I write to request that the Department of Transportation open an investigation into San Antonio's potential breach of federal law and your agency's regulations prohibiting religious discrimination by federal grant recipients.

I. San Antonio's Potential Discrimination Against Religious Liberty

Last week, the San Antonio City Council voted to discriminate against a popular American fast food restaurant—Chick-fil-A—because of that organization's religious beliefs. The Council was in the process of approving a concessionaire agreement with Paradies Legadere (Paradies) to run concession facilities in the San Antonio airport. The Paradies proposal included a license that would bring Chick-fil-A to the airport.¹ That proposal scored 95.80 on a 100-point scale, while the next best proposal scored a mere 73.40.²

When the Council moved to adopt the staff recommendation to agree to the Paradies contract, a Council member instead moved to exclude and replace Chick-fil-A.³ His rationale was that Chick-fil-A has a "legacy of anti-LGBT behavior."⁴ He continued: "Perhaps the [San Antonio] Office of Equity and Inclusion should be involved in the vetting of economic deals to

¹ San Antonio Legislation File Regarding Concession Agreement with Paradies, Mar. 21, 2019, at <https://sanantonio.legistar.com/LegislationDetail.aspx?ID=3888304&GUID=EAFACDCC-CDE8-4B26-9CBC-9A63F95865F1&FullText=1> ("Chick-fil-A, which calls itself the home of the original chicken sandwich, will bring their national brand to San Antonio International.").

² San Antonio Legislation File Regarding Concession Agreement with Paradies, Final Score Matrix, Mar. 21, 2019, at <https://sanantonio.legistar.com/View.aspx?M=F&ID=7095018&GUID=921CC1D0-479C-4BE5-AC23-8565E91281C4>.

³ Vote Slips at 46, San Antonio City Council Meeting, Mar. 21, 2019, at <https://sanantonio.legistar.com/View.aspx?M=M&ID=671873&GUID=C5EEC666-2EA5-45EF-8FA5-91C9A3121181>.

⁴ City Council A Session Video, Mar. 21, 2019, at 3:53:25, at <https://sanantoniotx.new.swagit.com/videos/26748>.

ensure they align with our core values as a city.”⁵ The Council member who seconded the motion referred to Chick-fil-A as a “symbol of hate.”⁶ This was despite testimony from City staff that, in its contract, Paradies would include compliance with San Antonio’s ordinance that prohibits discrimination based on sexual orientation or gender identity.⁷ The Council voted 6-4 with one abstention for the motion to have staff work toward substituting Chick-fil-A in the Paradies agreement.⁸ Ironically, the City’s efforts to be “inclusive” resulted in the *exclusion* of Chick-fil-A based on its religious beliefs.

II. Federal Law and Agency Regulations Prohibiting Discrimination Against Religious Beliefs

The City’s decision to specifically exclude Chick-fil-A from a government program based on the sincerely-held religious beliefs of its leadership raises serious constitutional questions. As you are no doubt aware, the Supreme Court has affirmed that the Free Exercise Clause protects individuals and organizations of faith alike. *See Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014). The Court has also found that exclusion of an entity from participating in a generally-available government benefit or program will violate the Free Exercise Clause in most circumstances. *See Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012 (2017). In addition, the Supreme Court has soundly rebuked state actors for actions based on animosity to religious belief similar to those in question here. *See Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm’n*, 138 S. Ct. 1719 (2018).

In addition to potential violations of the First Amendment, it seems likely the City of San Antonio’s apparent discrimination against Chick-fil-A violates various federal statutes and regulations to which the City is subject as a recipient of Department of Transportation grant funds.⁹ Numerous relevant federal statutes and regulations prohibit federal grant recipients from engaging in discrimination based on “creed.” *See, e.g.*, 49 U.S.C. § 47123; 14 C.F.R. § 152.401; 14 C.F.R. § 405. Because the statute and regulations do not give any special meaning to the term “creed,” the common meaning of the word applies, which is “a brief authoritative formula of religious belief.”¹⁰ Thus, the federal policy is clearly intended to prevent grant recipients from discriminating on the basis of sincerely-held religious beliefs.

⁵ *Id.* at 4:52:35.

⁶ *Id.*

⁷ *Id.* at 4:55:35, 4:58:10.

⁸ Vote Slips at 46, San Antonio City Council Meeting, Mar. 21, 2019, at <https://sanantonio.legistar.com/View.ashx?M=M&ID=671873&GUID=C5EEC666-2EA5-45EF-8FA5-91C9A3121181>.

⁹ *See, e.g.*, Federal Aviation Administration, Press Release — U.S. Department of Transportation Announces \$151.1 Million in Infrastructure Grants to 66 Airports in 35 States, Sept. 7, 2017, at https://www.faa.gov/news/press_releases/news_story.cfm?newsId=22135 (announcing \$5.6 million grant to San Antonio to repair an airport taxiway).

¹⁰ Webster’s Dictionary (Last visited Mar. 28, 2019), at <https://www.merriam-webster.com/dictionary/creed>.

The Hon. Elaine Chao
March 28, 2019
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There is no evidence indicating that Chik-fil-A has ever maintained any policy or practice of discriminating against any group of people, and the City offered no such evidence as the basis of its action. Indeed, shortly after the City's decision was announced, a member of the City Council who dissented from the City's decision openly apologized to the Chairman of Chick-fil-A, noting that the restaurant "employs and serves everyone, without prejudice, discrimination or hate."¹¹ Furthermore, Chick-Fil-A apparently agreed in the present instance to abide by all applicable nondiscrimination rules imposed by the contract with the City. Nonetheless, the comments of the Council members made clear Chick-fil-A would be excluded based solely on its owners' religious beliefs.

Thank you for your consideration this request to open an investigation of potential religious discrimination by a grantee.

Very truly yours,



Ken Paxton
ATTORNEY GENERAL OF TEXAS

CC: Mayor Ron Nirenberg
Members of the San Antonio City Council

¹¹ Letter by Councilman Greg Brockhouse to Dan T. Cathy, Mar. 26, 2019, available at https://www.scribd.com/document/403231230/Chick-Fil-a-Letter#from_embed.



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 11, 2019

Mayor Ron Nirenberg
Members of the City Council
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283

Re: Open Records Request

Dear Mayor Nirenberg and City Councilmembers:

On March 28, 2019, Attorney General Ken Paxton wrote to you concerning the City of San Antonio's discriminatory treatment of Chick-fil-A in the City's concessionaire contract for the San Antonio International Airport. In that letter, General Paxton indicated that this Office would open an investigation into the matter.

Please provide this Office with public records on the following topics from the time period beginning January 1, 2019 to April 9, 2019:

- Communications between or among any city councilmember and other councilmembers, city employees, and/or third parties concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract for the airport;
- Calendars of city councilmembers indicating meetings or phone calls regarding the inclusion or exclusion of Chick-fil-A in the concessionaire contract;
- Records of meetings between or among any city councilmember and other city councilmembers, city employees, and/or third parties concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract; and
- Communications and records of city employees concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract.

You may exclude attorney-client communications from the scope of this request.

Please deliver these records to my office no later than ten business days after your receipt of this letter.

Mayor Nirenberg & City Council
April 11, 2019
Page 2 of 2

Very truly yours,

A handwritten signature in black ink, appearing to read "Cleve Doty". The signature is written in a cursive style with a long, sweeping horizontal line extending from the end of the name.

Cleve Doty
Assistant Attorney General
Administrative Law Division

cc: Moraima Mcgraw, Senior Public Information Officer



CITY OF SAN ANTONIO

OFFICE OF THE CITY ATTORNEY
Edward F. Guzman, Deputy City Attorney
PHONE NO: (210) 207-8940 / FAX NO: (210) 207-4004

Delivery Address
P.O. Box 839966
San Antonio, Texas 78283

April 24, 2019

Via First Class Mail

Open Records Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

Re: Request for Ruling
Requestor: Cleve Doty
Organization: City of San Antonio
Date request received: April 11, 2019
COSA File No.: W260203-041119

Dear Assistant Attorney General:

On April 11, 2019, the City of San Antonio received a public information request from Cleve Doty, in which he requested:

“On March 28, 2019, Attorney General Ken Paxton wrote to you concerning the City of San Antonio,s discriminatory treatment of Chick-fil-A in the City,s concessionaire contract for the San Antonio International Airport. In that letter, General Paxton indicated that this Office would open an investigation into the matter. Please provide this Office with public records on the following topics from the time period beginning January 1, 2019 to April 9, 2019: • Communications between or among any city councilmember and other councilmembers, city employees, and/or third parties concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract for the airport; • Calendars of city councilmembers indicating meetings or phone calls regarding the inclusion or exclusion of Chick-fil-A in the concessionaire contract; • Records of meetings between or among any city councilmember and other city councilmembers, city employees, and/or third parties concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract; and • Communications and records of city employees concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract. You may exclude attorney-client communications from the scope of this request. Please deliver these records to my office no later than ten business days after your receipt of this letter.”

The request is attached to this letter as **Attachment I - Copy of Request**.

Re: Open Records Request from Cleve Doty
COSA File No. W260203-041119
Page 1 of 3

Exhibit C

Under Texas Government Code §552.301, a governmental body must submit a request for a ruling from the Office of the Attorney General to obtain authority to withhold documents from disclosure under the exceptions listed in Subchapter C, §552.101 - .158. The request for ruling must be submitted to the Texas Attorney General's Office within 10 business days after receipt of the request.

As noted, the City of San Antonio received Mr. Doty's public information request on April 11, 2019. Accordingly, the tenth business day for this request is April 25, 2019; and the fifteenth business day is May 3, 2019, as April 26, 2019 is a City Holiday (San Jacinto Day). A copy of the City's holiday schedule is attached as **Attachment II**.

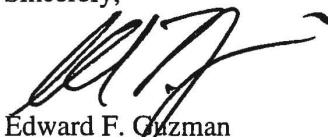
The City of San Antonio seeks to withhold some of the requested records pursuant to the following sections of Chapter 552 of the Texas Government Code: 552.101, 552.102, 552.103, 552.104, 552.105, 552.106, 552.107, 552.108, 552.1081, 552.1085, 552.109, 552.110, 552.111, 552.112, 552.113, 552.114, 552.115, 552.116, 552.117, 552.1175, 552.1176, 552.118, 552.119, 552.120, 552.121, 552.122, 552.123, 552.1235, 552.124, 552.125, 552.126, 552.127, 552.128, 552.129, 552.130, 552.131, 552.132, 552.1325, 552.133, 552.134, 552.135, 552.136, 552.137, 552.138, 552.139, 552.140, 552.141, 552.142, 552.1425, 552.143, 552.144, 552.145, 552.146, 552.147, 552.148, 552.149, 552.150, 552.151, 552.152, 552.153, 552.154, 552.155, and 552.158.

Any other applicable section within §552.101 through §552.158.

Further under Texas Government Code §552.301, within 15 business days of the receipt of the public information request, the City must submit 1) a copy of the request; 2) arguments and law in support of the exceptions claimed; 3) a copy of the records at issue, labeled with exceptions claimed under the Act and all other documents and materials to make a timely request for an Attorney General decision.

By the 15th business day after receipt of this request, the City will provide an additional letter discussing the nature of the requested document and the application of the exceptions. The City will also send a copy of this letter to the requestor pursuant to the notice requirement of Texas Government Code §552.301.

Sincerely,



Edward F. Guzman
Deputy City Attorney
City of San Antonio

Enclosure:

- Attachment I – Copy of Request
- Attachment II – Copy of City's holiday schedule

✓
cc: ***Via First Class Mail (w/o enclosures)***
Cleve Doty
209 W. 14th Street, MC-009
Austin, Texas 78701



CITY OF SAN ANTONIO

OFFICE OF THE CITY ATTORNEY
Edward F. Guzman, Deputy City Attorney
TEL NO. (210) 207-5940 FAX NO. 207-4004

Delivery Address
P.O. Box 839966
San Antonio, Texas 78283

May 2, 2019

Open Records Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

via First Class Mail

Re: Request for Ruling
Requestor: Cleve Doty
Organization: City of San Antonio
Date received: April 11, 2019
COSA File No.: W260203-041119

Dear Assistant Attorney General:

On April 11, 2019, the City of San Antonio received a public information request from Cleve Doty, Assistant Attorney General, in which he requested public records on the following topics from the time period beginning January 1, 2019 to April 9, 2019:

- Communications between or among any city councilmember and other councilmembers, city employees, and/or third parties concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract for the airport;
- Calendars of city councilmembers indicating meetings or phone calls regarding the inclusion or exclusion of Chick-fil-A in the concessionaire contract;
- Records of meetings between or among any city councilmember and other city councilmembers, city employees, and/or third parties concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract; and
- Communications and records of city employees concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract. You may exclude attorney-client communications from the scope of this request. Please deliver these records to my office no later than ten business days after your receipt of this letter.”

The request is attached to this letter as **Attachment I - Copy of Request**.

Re: Open Records Request from Cleve Doty
COSA File No. W260203-041119

Under Texas Government Code §552.301, a governmental body must submit a request for a ruling from the Office of the Attorney General to obtain authority to withhold documents from disclosure under the exceptions listed in Subchapter C, §552.101 - .158. The request for ruling must be submitted to the Texas Attorney General's Office within 10 business days after receipt of the request.

As noted, the City of San Antonio received Mr. Doty's public information request on April 11, 2019. Accordingly, the tenth business day for this request was April 25, 2019; and the fifteenth business day is May 3, 2019, as April 26, 2019 is a City Holiday (San Jacinto Day). A copy of the City's holiday schedule is attached as **Attachment II**.

The City submitted a "10-day" letter to your office by US Mail on April 24, 2019 and provided a copy of that letter to the requestor as well (**Attachment III**). This letter serves as the City's "15-day" letter to your office.

The City of San Antonio will be releasing responsive documents that are available to the public, or have been released through some other forum, to the requestor (**Attachment IV**). However, the City seeks to withhold certain records pursuant to section 552.103 "*Litigation or Settlement Negotiations Involving the State or a Political Subdivision*" pursuant to the Texas Public Information Act.

In accordance with Section 552.301(e)(1)(D) & (2), the City is submitting representative samples of the specific information requested, which the City seeks to withhold, and arguments supporting the asserted exceptions. (**Attachment V – Copy of Records Submitted for AG Review**)

I. Factual Background

As stated above, Mr. Doty submitted a request for public information on April 11, 2019 related to the San Antonio City Council's consideration and decision regarding the inclusion or exclusion of Chick-fil-A in the concessionaire contract for the San Antonio International Airport. Mr. Doty is an Assistant Attorney General for the State of Texas.

On March 21, 2019, the San Antonio City Council considered an item on its publicly posted agenda regarding a proposal submitted by Paradies Lagadere (Paradies) for a concession contract for the San Antonio International Airport. The proposal included a Chick-fil-A fast food concept as part of the overall package. After an open and transparent deliberation and vote regarding the award of the concession contract, the City Council determined that the contract should be awarded to Paradies, but directed staff to work with Paradies to replace the Chick-fil-A concept within the proposal with some other comparable concept suitable for the designated category. A recording of the meeting can be viewed at: <https://sanantoniotx.new.swagit.com/videos/26748>

On March 28, 2019, Attorney General Ken Paxton issued a press release (**Attachment FB-1**) that stated he sent a letter to the Mayor and City Council advising them that "he is opening an investigation surrounding the city's decision to exclude Chick-fil-A from a concession contract" and that he also submitted a second letter to the Secretary for the U.S. Department of Transportation requesting that they also "open an investigation" into the same matter. The referenced letters to the

Mayor and Council, and the Department of Transportation are attached respectively as **Attachments FB-2** and **FB-3**.

On April 11, 2019, Attorney General Paxton issued another press release stating that his office had sent a second letter to the Mayor and City Council as an “open records request for documents related to the Office of the Attorney General’s investigation of the City’s decision to exclude Chick-fil-A from the San Antonio International Airport” (**Attachment FB-4**). The letter referenced within the April 11 press release requesting records has been attached as **Attachment I**.

II. Argument Against Release

Litigation Exception (Section 552.103, Texas Public Information Act)

The Public Information Act Section 552.103, *Litigation or Settlement Negotiations Involving the State or a Political Subdivision*, provides that:

- (a) Information is excepted from the requirements of Section 552.021 if it is information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person’s office or employment, is or may be a party.
- (b) For purposes of this section, the state or a political subdivision is considered to be a party to litigation of a criminal nature until the applicable statute of limitations has expired or until the defendant has exhausted all appellate and postconviction remedies in state and federal court.
- (c) Information relating to litigation involving a governmental body or an officer or employee of a governmental body is excepted from disclosure under Subsection (a) only if the litigation is pending or reasonably anticipated on the date that the requester applies to the officer for public information for access to or duplication of the information.

Therefore, for the City to prevail under this exception, it must clearly establish that 1) litigation involving the City is pending or reasonably anticipated and 2) the information must relate to that litigation. What constitutes “pending or reasonably anticipated litigation” is made on a case-by-case basis. The following information supports the City’s contention of “pending or reasonably anticipated” litigation involving the publicly announced investigation of the City of San Antonio by the Office of the Attorney General:

- The Office of the Attorney General has issued two press releases clearly stating that the office is investigating the City’s decision to exclude Chick-fil-A from the San Antonio International Airport (please see **Attachments FB-1** and **FB-4**).
- The Office of the Attorney General has submitted two letters to the Mayor and City Council for the City of San Antonio that clearly state that the office is investigating the City’s decision to exclude Chick-fil-A from the San Antonio International Airport (please see **Attachment FB-2** and **Attachment I**).

- The Office of the Attorney General has actively encouraged a federal department to open its own investigation into the same matter being addressed by the current request for information (please see **Attachment FB-3**).

Based on the above, it is reasonable to surmise that the Office of the Attorney General is actively investigating the City of San Antonio in preparation for possible legal action related to the information being requested. Allowing the use of the Texas Public Information Act as a means for discovery when litigation is anticipated undermines the litigation process and robs a government entity of its legal protections and reciprocal discovery afforded under state law.

In fact, the Office of the Attorney General relies on the same principle in response to a request for information made by the U.S. House Committee on Oversight and Reform regarding a request for documents related to “Texas’s efforts to safeguard its voting process.” First Assistant Attorney General Jeffrey C. Mateer made the argument to the U.S. House Committee that “due to pending litigation and ongoing criminal investigations, the OAG believes information requested by the Committee is exempted from required disclosure under Texas Law.”

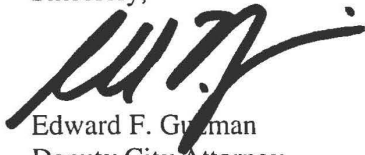
While there was active litigation already underway with regard to the voting process matter at the time of the request, the exemption still applies in the context of the State seeking information from a local entity regarding an investigation opened by the State’s enforcement arm. We see no substantive distinction between the two situations in terms of the application of the exemption.

Based on the above, all material requested by the subject open records request as evidenced by the representative samples submitted under **Attachment V** should be excepted from release.

III. Summary

The City is seeking the Attorney General’s concurrence that the requested information must not be released to the requestor. The City asserts that the requested information is excepted from release in accordance with Texas Public Information Act, Section 552.103 (Litigation exception).

Sincerely,



Edward F. Guzman
Deputy City Attorney
City of San Antonio

cc: Cleve Doty
Assistant Attorney General
Administrative Law Division
PO Box 12548
Austin, TX 78711-2548
w/ Attachments I – IV, and FB-1 – FB-4

Attachment I



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 11, 2019

Mayor Ron Nirenberg
Members of the City Council
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283

Re: Open Records Request

Dear Mayor Nirenberg and City Councilmembers:

On March 28, 2019, Attorney General Ken Paxton wrote to you concerning the City of San Antonio's discriminatory treatment of Chick-fil-A in the City's concessionaire contract for the San Antonio International Airport. In that letter, General Paxton indicated that this Office would open an investigation into the matter.

Please provide this Office with public records on the following topics from the time period beginning January 1, 2019 to April 9, 2019:

- Communications between or among any city councilmember and other councilmembers, city employees, and/or third parties concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract for the airport;
- Calendars of city councilmembers indicating meetings or phone calls regarding the inclusion or exclusion of Chick-fil-A in the concessionaire contract;
- Records of meetings between or among any city councilmember and other city councilmembers, city employees, and/or third parties concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract; and
- Communications and records of city employees concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract.

You may exclude attorney-client communications from the scope of this request.

Please deliver these records to my office no later than ten business days after your receipt of this letter.

Mayor Nirenberg & City Council

April 11, 2019

Page 2 of 2

Very truly yours,

A handwritten signature in cursive script, appearing to read "Cleve Doty", with a long horizontal flourish extending to the right.

Cleve Doty

Assistant Attorney General

Administrative Law Division

cc: Moraima McGraw, Senior Public Information Officer



City of San Antonio

Reference Number: W260203-041119

Date Submitted: 4/11/2019 3:37:24 PM

Request Submitted via: Online FOIA Submission

10th day deadline: 4/25/2019 8:00:00 AM

Requestor:

Cleve Doty

209 W. 14th Street, MC-009

Austin, TX 78701

512-475-4136

Cleve.Doty@oag.texas.gov

Information Requested: Other

Describe the document(s) you are requesting: On March 28, 2019, Attorney General Ken Paxton wrote to you concerning the City of San Antonio,s discriminatory treatment of Chick-fil-A in the City,s concessionaire contract for the San Antonio International Airport. In that letter, General Paxton indicated that this Office would open an investigation into the matter. Please provide this Office with public records on the following topics from the time period beginning January 1, 2019 to April 9, 2019: • Communications between or among any city councilmember and other councilmembers, city employees, and/or third parties concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract for the airport; • Calendars of city councilmembers indicating meetings or phone calls regarding the inclusion or exclusion of Chick-fil-A in the concessionaire contract; • Records of meetings between or among any city councilmember and other city councilmembers, city employees, and/or third parties concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract; and • Communications and records of city employees concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract. You may exclude attorney-client communications from the scope of this request. Please deliver these records to my office no later than ten business days after your receipt of this letter.

Attachment II

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CONTACT

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506 Dolorosa
San Antonio, TX 78205

Mailing Address
P.O. Box 839966
San Antonio, TX 78283

Phone
210.207.8109

Media Inquiries
210.207.7234

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| Holiday | Day | Date |
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| Thanksgiving Day | Thursday | November 22, 2018 |
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| Christmas Eve | Monday | December 24, 2018 |
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| Fiesta San Jacinto | Friday | April 26, 2019 |
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| Labor Day | Monday | September 2, 2019 |

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(<https://www.sanantonio.gov/gpa/News/ArtMid-Health-Shares-161Viva-Health-Tips-for-a-Healthy-Halloween>) >

Attachment III



CITY OF SAN ANTONIO

OFFICE OF THE CITY ATTORNEY
Edward F. Guzman, Deputy City Attorney
PHONE NO: (210) 207-8940 / FAX NO: (210) 207-4004

Delivery Address
P.O. Box 839966
San Antonio, Texas 78283

April 24, 2019

Via First Class Mail

Open Records Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

Re: Request for Ruling
Requestor: Cleve Doty
Organization: City of San Antonio
Date request received: April 11, 2019
COSA File No.: W260203-041119

Dear Assistant Attorney General:

On April 11, 2019, the City of San Antonio received a public information request from Cleve Doty, in which he requested:

“On March 28, 2019, Attorney General Ken Paxton wrote to you concerning the City of San Antonio’s discriminatory treatment of Chick-fil-A in the City’s concessionaire contract for the San Antonio International Airport. In that letter, General Paxton indicated that this Office would open an investigation into the matter. Please provide this Office with public records on the following topics from the time period beginning January 1, 2019 to April 9, 2019: • Communications between or among any city councilmember and other councilmembers, city employees, and/or third parties concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract for the airport; • Calendars of city councilmembers indicating meetings or phone calls regarding the inclusion or exclusion of Chick-fil-A in the concessionaire contract; • Records of meetings between or among any city councilmember and other city councilmembers, city employees, and/or third parties concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract; and • Communications and records of city employees concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract. You may exclude attorney-client communications from the scope of this request. Please deliver these records to my office no later than ten business days after your receipt of this letter.”

The request is attached to this letter as **Attachment I - Copy of Request.**

Re: Open Records Request from Cleve Doty
COSA File No. W260203-041119
Page 1 of 3

Exhibit D

Under Texas Government Code §552.301, a governmental body must submit a request for a ruling from the Office of the Attorney General to obtain authority to withhold documents from disclosure under the exceptions listed in Subchapter C, §552.101 - .158. The request for ruling must be submitted to the Texas Attorney General's Office within 10 business days after receipt of the request.

As noted, the City of San Antonio received Mr. Doty's public information request on April 11, 2019. Accordingly, the tenth business day for this request is April 25, 2019; and the fifteenth business day is May 3, 2019, as April 26, 2019 is a City Holiday (San Jacinto Day). A copy of the City's holiday schedule is attached as **Attachment II**.

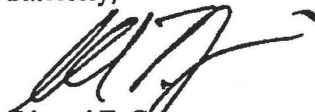
The City of San Antonio seeks to withhold some of the requested records pursuant to the following sections of Chapter 552 of the Texas Government Code: 552.101, 552.102, 552.103, 552.104, 552.105, 552.106, 552.107, 552.108, 552.1081, 552.1085, 552.109, 552.110, 552.111, 552.112, 552.113, 552.114, 552.115, 552.116, 552.117, 552.1175, 552.1176, 552.118, 552.119, 552.120, 552.121, 552.122, 552.123, 552.1235, 552.124, 552.125, 552.126, 552.127, 552.128, 552.129, 552.130, 552.131, 552.132, 552.1325, 552.133, 552.134, 552.135, 552.136, 552.137, 552.138, 552.139, 552.140, 552.141, 552.142, 552.1425, 552.143, 552.144, 552.145, 552.146, 552.147, 552.148, 552.149, 552.150, 552.151, 552.152, 552.153, 552.154, 552.155, and 552.158.

Any other applicable section within §552.101 through §552.158.

Further under Texas Government Code §552.301, within 15 business days of the receipt of the public information request, the City must submit 1) a copy of the request; 2) arguments and law in support of the exceptions claimed; 3) a copy of the records at issue, labeled with exceptions claimed under the Act and all other documents and materials to make a timely request for an Attorney General decision.

By the 15th business day after receipt of this request, the City will provide an additional letter discussing the nature of the requested document and the application of the exceptions. The City will also send a copy of this letter to the requestor pursuant to the notice requirement of Texas Government Code §552.301.

Sincerely,



Edward F. Guzman
Deputy City Attorney
City of San Antonio

Enclosure:

- Attachment I – Copy of Request
- Attachment II – Copy of City's holiday schedule

cc: *Via First Class Mail (w/o enclosures)*
Cleve Doty
209 W. 14th Street, MC-009
Austin, Texas 78701

Attachment I



City of San Antonio

Reference Number: W260203-041119

Date Submitted: 4/11/2019 3:37:24 PM

Request Submitted via: Online FOIA Submission

10th day deadline: 4/25/2019 8:00:00 AM

Requestor:

Cleve Doty

209 W. 14th Street, MC-009

Austin, TX 78701

512-475-4136

Cleve.Doty@oag.texas.gov

Information Requested: Other

Describe the document(s) you are requesting: On March 28, 2019, Attorney General Ken Paxton wrote to you concerning the City of San Antonio's discriminatory treatment of Chick-fil-A in the City's concessionaire contract for the San Antonio International Airport. In that letter, General Paxton indicated that this Office would open an investigation into the matter. Please provide this Office with public records on the following topics from the time period beginning January 1, 2019 to April 9, 2019: • Communications between or among any city councilmember and other councilmembers, city employees, and/or third parties concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract for the airport; • Calendars of city councilmembers indicating meetings or phone calls regarding the inclusion or exclusion of Chick-fil-A in the concessionaire contract; • Records of meetings between or among any city councilmember and other city councilmembers, city employees, and/or third parties concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract; and • Communications and records of city employees concerning the inclusion or exclusion of Chick-fil-A in the concessionaire contract. You may exclude attorney-client communications from the scope of this request. Please deliver these records to my office no later than ten business days after your receipt of this letter.

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CONTACT

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San Antonio, TX 78205

Mailing Address
P.O. Box 839966
San Antonio, TX 78283

Phone
210.207.8109

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(<https://www.sanantonio.gov/gpa/News/ArtMID-Health-Shares-161Viva-Health-Tips-for-a-Healthy-Halloween>) >

Attachment IV

From: City Government & Public Affairs
Sent: Thursday, March 21, 2019 4:55 PM
Subject: NEWS RELEASE: Councilman Roberto Treviño's statement regarding airport concession agreement with Paradies Lagardère



Council District 1

Roberto C. Treviño

FOR IMMEDIATE RELEASE

CONTACT: Justin Renteria, (210) 207-0900

Justin.Renteria@sanantonio.gov

Councilman Roberto Treviño's statement regarding airport concession agreement with Paradies Lagardère

SAN ANTONIO (March 21, 2019) – Today, District 1 City Councilman Roberto Treviño made a motion to approve the Food, Beverage and Retail Prime Concession Agreement with Paradies Lagardère at the San Antonio International Airport provided that it exclude the Chick-Fil-A concept. The amendment was approved by a vote of 6-4. Councilman Treviño provided the following statement:

"With this decision, the City Council reaffirmed the work our city has done to become a champion of equality and inclusion. San Antonio is a city full of compassion, and we do not have room in our public facilities for a business with a legacy of anti-LGBTQ behavior.

Everyone has a place here, and everyone should feel welcome when they walk through our airport. I look forward to the announcement of a suitable replacement by Paradies."

###

San Antonio: America's 21st Century City

San Antonio is a global city with a dynamic economy and workforce, a deep cultural heritage and diverse communities that are resilient and welcoming. It is one of the strongest fiscally managed cities in the country, nurturing entrepreneurship, encouraging investment and funding infrastructure. America's seventh-largest city offers a vibrant business climate and growth opportunities in bioscience, financial services, aerospace, cybersecurity, energy, transportation, manufacturing and healthcare. In 2015, UNESCO designated San Antonio's 18th century Spanish colonial missions as a World Heritage Site – the first in Texas. Proudly called Military City, USA®, San Antonio is home to one of the largest populations of active duty military, veterans and crucial military commands. For more information, visit www.sanantonio.gov.

City Government & Public Affairs

From: City Government & Public Affairs
Sent: Thursday, March 21, 2019 5:28 PM
Subject: NEWS RELEASE: City Council Approved New Food, Beverage and Retail Prime Concessionaire Agreement at San Antonio International Airport



CITY OF SAN ANTONIO AVIATION DEPARTMENT

FOR IMMEDIATE RELEASE

CONTACT: Rich Stinson, O: 210-207-1509
C: 912- 433-2329, Rich.Stinson@sanantonio.gov

Tonya Hope, O: 210-207-1515
C: 210-400-7428 tonya.hope@sanantonio.gov

City Council Approves New Food, Beverage and Retail Prime Concessionaire Agreement at the San Antonio International Airport

San Antonio (March 21, 2019) – Today, the San Antonio City Council approved the Food, Beverage and Retail Prime Concession Agreement with Paradies Lagardere at the San Antonio International Airport (SAT). This new project will bring the flavors of San Antonio to the forefront of Terminal A and the millions of passengers who visit each year. Passengers will be able to enjoy the culinary creations of award-winning chef Andrew Weisman and other local iconic personalities, taste some local barbecue and purchase memorabilia or a t-shirt from the NBA's San Antonio Spurs.

"The more than 34 million tourists who visit San Antonio annually already know about San Antonio's unique ambiance, history and culture," said Mayor Ron Nirenberg. "Giving them an opportunity to taste some of our city's finest local culinary delights at the airport will enhance the city's appeal encouraging further exploration and longer stays."

The package includes exciting concepts such as The Luxury, Smoke Shack BBQ and Southern Kitchen, Boss Wood Fired Bagels & Coffee, Sip Brew Bar and Market, Local Coffee, the Spurs Store and iStore/Adina's Market and one more to be decided at a later date.

"This is a very exciting project because it will refresh the airport's footprint, addresses traveler's requests to have local and healthy options and will even allow travelers an avenue to order food from a mobile kiosk and avoid standing in a line", said Russ Handy, Aviation Director for the City of San Antonio.

Some of the other elements of the new agreement include a coffee kiosk in the baggage claim area, food options before reaching the security line, fast pay areas and charging stations at restaurants.

This 7-year contract will generate at least \$2.1 million each year for the San Antonio Airport System and offers Paradies Lagardere an option to renew each year for three years.

From: City Government & Public Affairs Office.Communications@sanantonio.gov @
Subject: NEWS RELEASE: CM BROCKHOUSE CALLS FOR CHICK-FIL-A REVOTE DURING COUNCIL MEETING NOTIFICATION
CALLS FOR DEBATE AT NEXT COUNCIL MEETING
Date: April 11, 2019 at 12:12 PM
To:



Council District 6 Greg Brockhouse

FOR IMMEDIATE RELEASE

CONTACT: Victoria Ramirez, (210) 207-3749
victoria.ramirez@sanantonio.gov

CM BROCKHOUSE CALLS FOR CHICK-FIL-A REVOTE DURING COUNCIL MEETING NOTIFICATION CALLS FOR DEBATE AT NEXT COUNCIL MEETING

SAN ANTONIO (Apr. 11, 2019) – Today, Councilman Greg Brockhouse gave notice of his intent to motion to amend the airport contract previously approved by City Council that removed Chick-fil-A at the next available council meeting on April 18.

“Every day the Chick-fil-A removal decision is allowed to stand hurts our reputation nationwide as a welcoming and inclusive city. It sends a message we are anti-faith and we cannot stand by without speaking the truth and standing up for our principles. As a result, today I gave notice at our City Council meeting that I will move to amend the vote and call for a new vote to bring Chick-fil-A back to the airport. This motion to reconsider will be debated at our next Council meeting on April 18. If passed and added to the agenda, a vote to reinstate Chick-fil-A may occur on May 2. The removal of Chick-fil-A has embarrassed San Antonio. It does not reflect who we are as a community. We have a chance to correct this mistake by reinstating Chick-fil-A and sending a message that we are open for all, open for faith and open for business.”

###

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From: Jessica Cox (City Council) Jessica.Cox@sanantonio.gov
Subject: CFA Letter
Date: March 28, 2019 at 3:55 PM
To: Manny Pelaez (City Council) Manny.Pelaez@sanantonio.gov



-----Original Message-----

From: gyeg@sanantonio.gov [mailto:gyeg@sanantonio.gov]
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CITY OF SAN ANTONIO

MANNY PELAEZ
CITY COUNCILMAN, DISTRICT 8

MARCH 27, 2019

At a recent City Council meeting we reviewed and voted on a proposal for airport concession services. During that meeting I made lengthy comments about Chick-Fil-A. I based some of those comments on information that Chick-Fil-A supports conversion therapy, engages in behavior that discriminates against LGBT customers, and does not protect LGBT employees from discrimination or harassment.

Leaders should be expected to admit when they are wrong and own the mistakes they make. The information upon which I relied was out-of-date and inaccurate. I now know that this information does not correctly describe the company. I should have more thoroughly vetted the information. I regret my comments and I apologize for the offense they may have caused.

However, I stand by my sincerely held belief that no organization should discriminate against customers or employees on the basis of age, gender, disability, religion, race, ethnicity, national origin, or sexual orientation. I will continue to advocate for inclusive practices and I am committed to calling out illegal and harmful discrimination in all its forms.

From: San Antonio Express-News email@mail.expressnews.com
Subject: [EXTERNAL] Chick-fil-A ban under investigation | Today's Express-News
Date: March 29, 2019 at 4:36 AM
To: manny.pelaez@sanantonio.gov



San Antonio Express-News

Friday, March 29, 2019

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TOP NEWS

Attorney General to investigate San Antonio ban on Chick-fil-A at airport

San Antonio City Council members last week excluded the business from its list of vendors at the airport, citing its anti-LGBT reputation.



Congressional Democrats launch investigation into Texas' botched voter purge

The committee is requesting a slew of documents from the Texas secretary of state's office, including any correspondence with Trump administration officials and state Attorney General Ken Paxton's office.



Property tax reform bills get a new spark of life in the Texas Legislature

A property tax relief proposal gets a complete makeover in the Texas House, creating divides with the Texas Senate on a top issue for lawmakers.



[VISIT EXPRESSNEWS.COM](http://www.expressnews.com)

Cenotaph supporters didn't lose the argument as the Express-News insinuated. Instead, they were ignored as the plan continued without listening to the majority of people against it.



Be honest — relieved or disappointed by Mueller report?

You do not have to believe Trump is a good president to know that it is good that the president did not betray the country.



Republicans really just hate health care

It's now clear that Republicans just have a deep, unreasoning hatred of the idea that government policy may help some people get health care.



Post report, a new appreciation for Jeff Sessions

For folks who live south of the Mason-Dixon Line, or in the Midwest, he's a hero for going as far as he did in life given his humble beginnings.



[READ MORE OPINION](#)

BUSINESS

Two San Antonio companies get top scores as LGBTQ-friendly

More and more companies are on board with LGBTQ-inclusive policies.



Amazon adding 800 high-tech jobs in Central Texas

A company statement says the new jobs will include software and hardware engineering, research science and cloud computing.



[READ MORE BUSINESS STORIES](#)

San Antonio Symphony festival kicks off with music and food of Italy

The Symphony of Flavors will also make stops in France and Spain with music and menus to match.



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NATION

Trump's lawyers helped him avoid going under Mueller's microscope **A10**



BUSINESS

Rackspace and USAA are hailed for inclusive policies toward LGBTQ workers **B1**

METRO

Texas 7 member Murphy gets a death row stay **A3**



San Antonio Express-News

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Mostly cloudy; High 80, Low 62

THANKS **20** MANU



Manu Ginobili is celebrated at his retirement ceremony at the AT&T Center following the Spurs' game Thursday against the Cleveland Cavaliers.

Tom Reed / Staff photographer

Voter purge is eyed by Congress

House panel is seeking info from the Texas AG

By Allie Morris
AUSTIN BUREAU

AUSTIN — The U.S. House Committee on Oversight and Reform is investigating Texas' botched effort to purge suspected noncitizens from the voter rolls.

"We are disturbed by reports that the secretary of state's office has taken steps to remove thousands of eligible American voters from the rolls in Texas and that your office received referrals for possible criminal prosecution based on flawed data about Texas voters," Rep. Elijah Cummings, a Maryland Democrat who chairs the committee, wrote Texas Attorney General Ken Paxton in a letter Thursday.

The committee is requesting a slew of documents from the Texas secretary of state. In-

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personal or confidential information.**

From: San Antonio Express-News email@mail.expressnews.com
Subject: King Jay's mother testifies about paternity | 210 Report
Date: April 11, 2019 at 2:13 PM
To: pelaezprada@gmail.com



San Antonio Express-News

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210-656-1000 TJHLAW.COM San Antonio • Austin • Corpus Christi • El Paso • Houston
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San Antonio man accused in King Jay's death is not the father, mother testifies

The revelation by Jasmine Gonzales came during a bail reduction hearing for Christopher Davila, 34, who is accused of staging an elaborate kidnapping to mislead police about the boy's death.



Brockhouse seeks new vote on Chick-fil-A

He'll ask the council for a vote to override its denial of an airport concession contract with the restaurant.



Lt. Gov. Dan Patrick says he's not leaving Texas to join Trump administration

Texas Lt. Gov. Dan Patrick once again shoots down rumors he could be part of President Donald Trump's administration. Says he intends to run for re-election in 2022.



Spurs Nation newsletter

As the Spurs prepare for their **22nd consecutive playoff appearance**, get game recaps, features and analysis delivered to your inbox with the Spurs Nation newsletter.

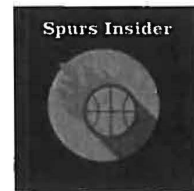
Popovich moves into tie with Wilkens for all-time combined wins

With Wednesday's win over Dallas, Spurs coach Gregg Popovich moved into a tie for first place with Lenny Wilkens for all-time combined wins with 1,412.



Spurs Insider podcast

The Express-News' Tom Orsborn looks at how the Spurs are entering their first round series against Denver on a roll — and with a chip on their shoulder, as well as a breakdown of the series, key players for each team, coaching matchups and other intangibles. Listen and subscribe here.



Battle heats up over Trump's redefinition of protected waters

As comment period closes on proposed rewrite, Paxton pushes for national injunction of 2015 clean water rule.



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From: San Antonio Express-News email@mail.expressnews.com
Subject: Laredo crossing a sign of potential border chaos | Today's Express-News
Date: April 4, 2019 at 4:37 AM
To: pelaezprada@gmail.com

San Antonio Express-News

Thursday, April 4, 2019

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TOP NEWS

Border wait times swell amid customs officer shuffle to handle migrant crisis

President Donald Trump has not shut down the U.S./Mexico border as he threatened on Twitter over the weekend but how the administration is handling an influx of Central American asylum seekers is creating lengthy delays for 18-wheelers and cross-border commerce.



Pay raises for full-time school employees guaranteed under revised House education plan

This new promise of pay raises sets up negotiations with Senate over how much is enough and who should receive it.



Taylor: The NFL monopoly rolls on as AAF folds

Startups are always hard, and monopolies are difficult to dislodge.



House chairman asks IRS for 6 years of Trump's tax returns



OPINION

Treviño has earned a second term

Among the least compelling criticism of him is that he isn't visionary.



Síclovia is a great event

Since its inception in 2011, the twice-annual event has been a huge community hit. An estimated 45,000 people turned out for the spring version of Síclovia, even though the chilly temps required sweaters and jackets.



Texas' highway system requires greater funding

\$160 billion nationwide is required just to maintain our existing third-rate transportation system, which has earned Texas a C-rating from the American Society of Civil Engineers.



Protect public safety from revenue caps

Revenue caps severely limit what cities can spend on police, firefighters, streets, economic development, and other quality-of-life needs that residents demand.



[READ MORE OPINION](#)

BUSINESS

U.S. investigates seizure risk with electronic cigarettes

These cases warrant "investigation into whether there is in fact a connection," FDA Commissioner Scott Gottlieb said in a statement.



Millions of sensitive Facebook user records were left exposed, security researchers say



This San Antonio aerial dance company presenting its first work since moving into a custom-built studio.



Susan Page's Barbara Bush bio revisits a remarkable life

The pages of "The Matriarch: Barbara Bush and the Making of an American Dynasty" can turn as quickly as the potboiler mysteries she enjoyed reading.



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SPORTS
Preview of today's Valero Texas Open. **C1, C6-7**



METRO
City Council expected to approve land deal to help protect the aquifer. **A3**

BUSINESS
S.A.'s iHeartMedia gears up for possible IPO. **B1**



San Antonio Express-News

Thursday, April 4, 2019 | ExpressNews.com and mySA.com | Vol. 154, No. 186 | The voice of South Texas since 1846 | \$2.00

Partly sunny. High 86, Low 65

House OKs broad school pay boosts

Variety of workers would get \$1,850; Senate eyes narrower \$5,000 raises

By Andrea Zelinski
AUSTIN BUREAU

AUSTIN — Teachers, counselors, bus drivers and others who work full time at public schools would receive an \$1,850 average pay raise next year under a bill the House approved overwhelmingly Wednesday.

However, that amount is a far cry from the \$5,000 pay raise senators want to give teachers and librarians.

The bill, which passed the House 184, is the latest development in negotiations between the

two chambers for a \$9 billion plan to boost the number of students reading at grade level and graduating from college or earning post-secondary degrees.

"It starts with the recognition that every person who has a positive effect on a child's life — and for our schools that means our teachers, that means our nurses, counselors, educational aides, custodial workers, bus drivers, every full-time employee — should get and deserves a raise," said Rep. Chris Turner, D-Grand Prairie, the House Democratic Caucus Chairman who proposed

the House pay increase.

The pay bump offered by the House would cost \$2.4 billion over two years and would require school districts to offer across-the-board pay raises to full-time staff every time the state increases the base amount it spends per student in the future.

That change would go into effect in the 2019-20 school year if the legislation passes both chambers and becomes law.

Such changes typically happen every few years.

The Senate is pushing a different proposal that would spend \$1.9 billion over two years, giving \$5,000 across-the-board raises only to teachers and school librarians.

School continues on Au



State Rep. Diego M. Bernal, D-San Antonio, and Speaker Dennis Bonnes, R-Angleton, talk on the floor of the House.

In a game of inches,



Lawmaker wants to

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Attachment FB-1



KEN PAXTON
ATTORNEY GENERAL of TEXAS

[Español \(/es/news/releases/procurador-paxton-abre-investigacion-prohibicion-de-ciudad-de-san-antonio-chick-fil-pide-secretaria\)](#)

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[AG PAXTON OPENS INVESTIGATION INTO SAN ANTONIO BANNING CHICK-FIL-A; ASKS TRANSPORTATION SECRETARY CHAO TO DO LIKEWISE](#)

March 28, 2019 | [Religious Liberty \(/news/categories/religious-liberty\)](#)

AG Paxton Opens Investigation into San Antonio Banning Chick-fil-A; Asks Transportation Secretary Chao to do Likewise

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Attorney General Ken Paxton today sent a letter to the mayor and council members for the City of San Antonio, informing them he is opening an investigation surrounding the city's decision to exclude Chick-fil-A from a concession contract that City staff recommended. By separate letter, he also requested that Secretary Elaine Chao of the United States Department of Transportation open an investigation into the city of San Antonio's potential violation of federal law and Transportation Department regulations when the city banned Chick-fil-A from operating a restaurant in the San Antonio International Airport based on the company's religious

beliefs. Last Thursday, the San Antonio city council voted to remove Chick-fil-A from a new airport concessionaire contract, citing Chick-fil-A owners' religious beliefs.

"The City of San Antonio's decision to exclude a respected vendor based on the religious beliefs associated with that company and its owners is the opposite of tolerance," Attorney General Paxton said. "The city's discriminatory decision is not only out of step with Texas values, but inconsistent with the Constitution and Texas law."

The First Amendment protects individuals and closely held companies from governmental restrictions based on their religious views or religious status. Additionally, federal regulations governing grant money provided to the San Antonio airport prohibit religious discrimination.

To view the [letters](#), [click here](#).

<https://www.texasattorneygeneral.gov/sites/default/files/images/admin/2019/Press/OAG%20Letters%20to%20SA%20City%20Council%20and%20Chao%2003.28.2019.pdf>

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[AG Paxton Leads 13-State Coalition Brief to Defend Religious Freedom \(/news/releases/ag-paxton-leads-13-state-coalition-brief-defend-religious-freedom\)](#)

March 06, 2019

[AG Paxton: Victory for Jack Phillips Is a Victory for Religious Liberty \(/news/releases/ag-paxton-victory-jack-phillips-victory-religious-liberty\)](#)

March 05, 2019

[AG Paxton Files Brief to Protect Religious Liberty of Faith-Based Foster Care Providers \(/news/releases/ag-paxton-files-brief-protect-religious-liberty-faith-based-foster-care-providers\)](#)

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Careers (/careers)

Where the Money Goes (/https://compro)

Compact With Texans (/about-office/compact-texans)

Cost Efficiency Ideas (/about-office/cost-efficiency-saving-ideas)

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Attachment FB-2



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 28, 2019

The Honorable Elaine Chao
Secretary of the U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Re: Potential Religious Discrimination by Grant Recipient City of San Antonio

Dear Madam Secretary:

I write to request that the Department of Transportation open an investigation into San Antonio's potential breach of federal law and your agency's regulations prohibiting religious discrimination by federal grant recipients.

I. San Antonio's Potential Discrimination Against Religious Liberty

Last week, the San Antonio City Council voted to discriminate against a popular American fast food restaurant—Chick-fil-A—because of that organization's religious beliefs. The Council was in the process of approving a concessionaire agreement with Paradies Legadere (Paradies) to run concession facilities in the San Antonio airport. The Paradies proposal included a license that would bring Chick-fil-A to the airport.¹ That proposal scored 95.80 on a 100-point scale, while the next best proposal scored a mere 73.40.²

When the Council moved to adopt the staff recommendation to agree to the Paradies contract, a Council member instead moved to exclude and replace Chick-fil-A.³ His rationale was that Chick-fil-A has a "legacy of anti-LGBT behavior."⁴ He continued: "Perhaps the [San Antonio] Office of Equity and Inclusion should be involved in the vetting of economic deals to

¹ San Antonio Legislation File Regarding Concession Agreement with Paradies, Mar. 21, 2019, at <https://sanantonio.legistar.com/LegislationDetail.aspx?ID=3888304&GUID=EAFACDCC-CDE8-4B26-9CBC-9A63F95865F1&FullText=1> ("Chick-fil-A, which calls itself the home of the original chicken sandwich, will bring their national brand to San Antonio International.").

² San Antonio Legislation File Regarding Concession Agreement with Paradies, Final Score Matrix, Mar. 21, 2019, at <https://sanantonio.legistar.com/View.ashx?M=F&ID=7095018&GUID=921CC1D0-479C-4BE5-AC23-8565E91281C4>.

³ Vote Slips at 46, San Antonio City Council Meeting, Mar. 21, 2019, at <https://sanantonio.legistar.com/View.ashx?M=M&ID=671873&GUID=C5EEC666-2EA5-45EF-8FA5-91C9A3121181>.

⁴ City Council A Session Video, Mar. 21, 2019, at 3:53:25, at <https://sanantoniotx.new.swagit.com/videos/26748>.



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 28, 2019

Mayor Ron Nirenberg
Members of the City Council
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283

**Re: Discriminatory Treatment of Chick-fil-A in the City's Concessionaire
Contract for San Antonio International Airport**

Dear Mayor Nirenberg and City Councilmembers:

The Constitution's protection of religious liberty is somehow even better than Chick-fil-A's chicken. Unfortunately, I have serious concerns that both are under assault at the San Antonio airport. Please see the enclosed letter from my office to Secretary of Transportation Elaine Chao highlighting my concerns that the City's recent action to remove Chick-fil-A from the City's new airport concessionaire contract may violate federal law and applicable federal regulations. You should also note that I have directed my office to open an investigation into whether the City's action violates state law. I trust the City will fully cooperate with my investigation into this matter, and will abide by relevant federal and state laws in the future.

Very truly yours,

A handwritten signature in black ink that reads "Ken Paxton".

Ken Paxton
ATTORNEY GENERAL OF TEXAS

Enclosure

Attachment FB-3



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 28, 2019

The Honorable Elaine Chao
Secretary of the U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Re: Potential Religious Discrimination by Grant Recipient City of San Antonio

Dear Madam Secretary:

I write to request that the Department of Transportation open an investigation into San Antonio's potential breach of federal law and your agency's regulations prohibiting religious discrimination by federal grant recipients.

I. San Antonio's Potential Discrimination Against Religious Liberty

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When the Council moved to adopt the staff recommendation to agree to the Paradies contract, a Council member instead moved to exclude and replace Chick-fil-A.³ His rationale was that Chick-fil-A has a "legacy of anti-LGBT behavior."⁴ He continued: "Perhaps the [San Antonio] Office of Equity and Inclusion should be involved in the vetting of economic deals to

¹ San Antonio Legislation File Regarding Concession Agreement with Paradies, Mar. 21, 2019, at <https://sanantonio.legistar.com/LegislationDetail.aspx?ID=3888304&GUID=EAFACDCC-CDE8-4B26-9CBC-9A63F95865F1&FullText=1> ("Chick-fil-A, which calls itself the home of the original chicken sandwich, will bring their national brand to San Antonio International.").

² San Antonio Legislation File Regarding Concession Agreement with Paradies, Final Score Matrix, Mar. 21, 2019, at <https://sanantonio.legistar.com/View.ashx?M=F&ID=7095018&GUID=921CC1D0-479C-4BE5-AC23-8565E91281C4>.

³ Vote Slips at 46, San Antonio City Council Meeting, Mar. 21, 2019, at <https://sanantonio.legistar.com/View.ashx?M=M&ID=671873&GUID=C5EEC666-2EA5-45EF-8FA5-91C9A3121181>.

⁴ City Council A Session Video, Mar. 21, 2019, at 3:53:25, at <https://sanantoniotx.new.swagit.com/videos/26748>.

The Hon. Elaine Chao
March 28, 2019
Page 2 of 3

ensure they align with our core values as a city.”⁵ The Council member who seconded the motion referred to Chick-fil-A as a “symbol of hate.”⁶ This was despite testimony from City staff that, in its contract, Paradies would include compliance with San Antonio’s ordinance that prohibits discrimination based on sexual orientation or gender identity.⁷ The Council voted 6-4 with one abstention for the motion to have staff work toward substituting Chick-fil-A in the Paradies agreement.⁸ Ironically, the City’s efforts to be “inclusive” resulted in the *exclusion* of Chick-fil-A based on its religious beliefs.

II. Federal Law and Agency Regulations Prohibiting Discrimination Against Religious Beliefs

The City’s decision to specifically exclude Chick-fil-A from a government program based on the sincerely-held religious beliefs of its leadership raises serious constitutional questions. As you are no doubt aware, the Supreme Court has affirmed that the Free Exercise Clause protects individuals and organizations of faith alike. *See Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014). The Court has also found that exclusion of an entity from participating in a generally-available government benefit or program will violate the Free Exercise Clause in most circumstances. *See Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012 (2017). In addition, the Supreme Court has soundly rebuked state actors for actions based on animosity to religious belief similar to those in question here. *See Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm’n*, 138 S. Ct. 1719 (2018).

In addition to potential violations of the First Amendment, it seems likely the City of San Antonio’s apparent discrimination against Chick-fil-A violates various federal statutes and regulations to which the City is subject as a recipient of Department of Transportation grant funds.⁹ Numerous relevant federal statutes and regulations prohibit federal grant recipients from engaging in discrimination based on “creed.” *See, e.g.*, 49 U.S.C. § 47123; 14 C.F.R. § 152.401; 14 C.F.R. § 405. Because the statute and regulations do not give any special meaning to the term “creed,” the common meaning of the word applies, which is “a brief authoritative formula of religious belief.”¹⁰ Thus, the federal policy is clearly intended to prevent grant recipients from discriminating on the basis of sincerely-held religious beliefs.

⁵ *Id.* at 4:52:35.

⁶ *Id.*

⁷ *Id.* at 4:55:35, 4:58:10.

⁸ Vote Slips at 46, San Antonio City Council Meeting, Mar. 21, 2019, at <https://sanantonio.legistar.com/View.ashx?M=M&ID=671873&GUID=C5EEC666-2EA5-45EF-8FA5-91C9A3121181>.

⁹ *See, e.g.*, Federal Aviation Administration, Press Release — U.S. Department of Transportation Announces \$151.1 Million in Infrastructure Grants to 66 Airports in 35 States, Sept. 7, 2017, at https://www.faa.gov/news/press_releases/news_story.cfm?newsId=22135 (announcing \$5.6 million grant to San Antonio to repair an airport taxiway).

¹⁰ Webster’s Dictionary (Last visited Mar. 28, 2019), at <https://www.merriam-webster.com/dictionary/creed>.

The Hon. Elaine Chao
March 28, 2019
Page 3 of 3

There is no evidence indicating that Chick-fil-A has ever maintained any policy or practice of discriminating against any group of people, and the City offered no such evidence as the basis of its action. Indeed, shortly after the City's decision was announced, a member of the City Council who dissented from the City's decision openly apologized to the Chairman of Chick-fil-A, noting that the restaurant "employs and serves everyone, without prejudice, discrimination or hate."¹¹ Furthermore, Chick-Fil-A apparently agreed in the present instance to abide by all applicable nondiscrimination rules imposed by the contract with the City. Nonetheless, the comments of the Council members made clear Chick-fil-A would be excluded based solely on its owners' religious beliefs.

Thank you for your consideration this request to open an investigation of potential religious discrimination by a grantee.

Very truly yours,



Ken Paxton
ATTORNEY GENERAL OF TEXAS

cc: Mayor Ron Nirenberg
Members of the San Antonio City Council

¹¹ Letter by Councilman Greg Brockhouse to Dan T. Cathy, Mar. 26, 2019, available at [https://www.scribd.com/document/403231230/Chick-Fil-a-Letter#from embed](https://www.scribd.com/document/403231230/Chick-Fil-a-Letter#from_embed).

Attachment FB-4



KEN PAXTON
ATTORNEY GENERAL of TEXAS

[Español \(/es/news/releases/procurador-paxton-pide-records-sobre-decision-de-chick-fil-del-ayuntamiento-de-san-antonio\)](#)

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[AG PAXTON REQUESTS RECORDS ON CHICK-FIL-A DECISION BY SAN ANTONIO CITY COUNCIL](#)



"The decision to discriminate against any vendor based on religious beliefs associated with the company and its owners flies in the face of the Constitution and Texas law. I look forward to reviewing the City of San Antonio's records explaining why the City Council targeted this respected restaurant chain for exclusion from the City's concessionaire contract for the international airport."

Texas Attorney General Ken Paxton

April 11, 2019 | [Religious Freedom \(/taxonomy/term/891\)](#)

AG Paxton Requests Records on Chick-fil-A Decision by San Antonio City Council

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Attorney General Ken Paxton today sent a second letter to the mayor and council members for the City of San Antonio, making an open records request for documents related to the Office of the Attorney General's investigation of the City's decision to exclude Chick-fil-A from the San Antonio International Airport.

In the letter, Attorney General Paxton requests public records revealing communications between councilmembers, city employees, and third parties that discuss the inclusion or exclusion of Chick-fil-A in the concessionaire contract for the airport. The request also seeks calendars, records of

councilmember meetings regarding the contract, and any internal communications among city employees about the inclusion or exclusion of Chick-fil-A from the concessionaire contract.

“The decision to discriminate against any vendor based on religious beliefs associated with the company and its owners flies in the face of the Constitution and Texas law,” Attorney General Paxton said. “I look forward to reviewing the City of San Antonio’s records explaining why the City Council targeted this respected restaurant chain for exclusion from the City’s concessionaire contract for the international airport.”

On March 28, Attorney General Paxton [sent a letter \(https://www.texasattorneygeneral.gov/news/releases/ag-paxton-opens-investigation-san-antonio-banning-chick-fil-asks-transportation-secretary-chao-do\)](https://www.texasattorneygeneral.gov/news/releases/ag-paxton-opens-investigation-san-antonio-banning-chick-fil-asks-transportation-secretary-chao-do) to the mayor and city council members of San Antonio announcing an investigation regarding their decision. In a separate letter, Attorney General Paxton also urged to Secretary Elaine Chao of the United States Department of Transportation to open an investigation into the City of San Antonio’s potential violation of federal law and Transportation Department regulations. The First Amendment protects individuals and closely held companies from governmental restrictions based on their religious views or status. Additionally, federal regulations governing grant money provided to the San Antonio airport prohibit religious discrimination.

View a [copy of the letter here \(https://www.texasattorneygeneral.gov/sites/default/files/images/admin/2019/Press/2019.04.120Letter%20OAG%20to%20SA%20City%20Council%20re%20CFA%20Public%20Records.pdf\)](https://www.texasattorneygeneral.gov/sites/default/files/images/admin/2019/Press/2019.04.120Letter%20OAG%20to%20SA%20City%20Council%20re%20CFA%20Public%20Records.pdf).

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