

# SAN PATRICIO COUNTY

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OPEN RECORDS DIVISION

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OPINION COMMITTEE

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August 16, 2005

FILE # ML-44338-05

I.D. # 44338

The Honorable Greg Abbot, Attorney General  
Office of the Attorney General  
Opinion Committee  
209 West 14<sup>th</sup> St.  
Austin, Texas 78711

**RQ-0379-GA**

Dear Attorney General Greg Abbott:

I respectfully request an Attorney General's Opinion on the following issue:

Does an individual or company have the right to set up a plat copying machine in the County Clerk's office or another area within the Courthouse?

In Attorney General Opinion No. JM-757 your office stated that "although article 3930 V.T.C.S. indicates that members of the public may make copies of public documents themselves, it does not guarantee a specific method of coping or an unlimited right to copy. Consequently, a governmental body may refuse to allow members of the public to duplicate public records by means of portable equipment when it is unreasonable disruptive of working conditions." The Opinion also states that "the reasonableness of each request must be assessed independently. Relevant factors would include whether the county clerk's office has the physical characteristics necessary to comply with the request. Requests from members of the public to copy public records with their own equipment may be denied when the requests threaten the unreasonable disruption of the governmental body. The reasonableness...of each request depends on the facts surrounding the request."

**UNREASONABLE DISRUPTION OF THE BUSINESS OPERATIONS OF THE COUNTY CLERK'S OFFICE:**

The San Patricio County Clerk's office does not have a copy machine capable of copying property plats in the office. This office is comprised of space on the first floor and basement of the San Patricio County Courthouse. There is not enough space on either floor of the office to set up a plat copying machine.

The Clerk's office has had, and continues to have, an arrangement with the County Surveyor's ("King and Petrus") office whereby a Deputy County Clerk transports requested plats to the County Surveyor's office. The plats are left in the temporary custody of the County Surveyor's office only because of that office's standing as County Surveyor. Otherwise, plat maps (and other public documents) are never allowed outside of the clerk's office— even within the courthouse— without the continued presence of a Deputy Clerk.

While space may be available in the basement of the courthouse outside of the County Clerk's office, with the consent of the County Judge, a Deputy County Clerk would be required to be continually present with the plats when they are removed from the Clerk's office. This would cause an unreasonable disruption of the business operations of the Clerk's office in that the Deputy Clerk would not be able to complete her regular duties during the several days (the title company anticipates three days) that would be necessary for the plat copying to be completed.

#### DEALING EVENHANDEDLY WITH VARIOUS MEMBERS OF THE PUBLIC WHO WISH TO USE PORTABLE COPYING EQUIPMENT:

Additionally, A.G. Opinion No. JM-757 states that "if a governmental body chooses to permit members of the public to use other kinds of portable copying equipment, it must deal evenhandedly with various members of the public who wish to use portable copying equipment." Previously, another private company (San Jacinto Title Company) requested copies of numerous property plats. The County Clerk's office advised that company of the circumstances (indicated in the section above). The County Clerk's office arranged for the County Surveyor's office to provide the title company with copies of the requested plats at an agreed fee per plat copy. If this office would be required to accommodate Integrity Title Company pursuant to its request, despite the unreasonable disruption of the County Clerk's office, it appears that this might amount to dealing *unevenhandedly* with a member of the public.

Your assistance in this matter would be appreciated.

Sincerely,



David Aken  
County Attorney