

From: Ken Martin <ken@theaustinbulldog.org>
Subject: **Re: Open Records Request No. 13**
Date: August 8, 2010 6:01:58 PM CDT
To: bridget.chapman@georgetown.org
Cc: Mark Sokolow <msokolow@georgetowntx.org>, Skye.Masson@georgetown.org, Pat Berryman <dist5@georgetowntx.org>
▶ 2 Attachments, 871 KB

Dear Bridget Chapman:

The Attorney General's letter of August 5, 2010, OR2010-11849, was addressed to you. As you know, that letter pertains to my Open Records Request No. 13, dated May 17, 2010, which requested copies of any and all records in the possession of Georgetown City Council Member Pat Berryman that would substantiate the expenses for which she claimed reimbursement for carrying out public business in her e-mail of December 15, 2009, addressed to City Attorney Mark Sokolow, and for which she was paid \$13,600 by the City of Georgetown covering the period from July 2008 through December 2009.

The Attorney General's letter states that "...the mere fact that the city does not possess the information at issue does not take the information outside the scope of the Act."

Further, the Attorney General disagreed with your claim that the city did not have any right of access to any requested records in possession of the city council member because the city did not have an ordinance requiring council members to maintain records substantiating their expenses. The letter states, "Information is within the scope of the Act if it relates to the official business or a governmental body and is maintained by a public official or employee of the governmental body."

The Attorney General's letter states, "We therefore conclude any records held by the council member that document expenses for which she received public funds were collected, assembled, or maintained in connection with the transaction of official business and thus, constitute 'public information' as defined by Section 552.002(a)."

Finally, the Attorney General's letter states, "We therefore conclude the city must release the requested information pursuant to Section 552.302 of the Government Code."

Please note that the Attorney General's website states, at "[Questions Regarding Open Records Letter Rulings](#)": "If the ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the Public Information Act, the attorney general expects that, upon receiving the ruling, the governmental body will either release the public information promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging the ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. Id. § 552.3215(e)."

I have attached a pdf of the Attorney General's letter.

Please promptly provide copies of your requested records to me at ken@theaustinbulldog.org. Or, if the volume of records makes e-mailing copies of the records impracticable, please mail the records to me at P.O. Box 4400, Austin TX 78765.

I look forward to your acknowledgement of receiving this e-mail and obtaining these records.

Ken Martin



[AG OR2010-....pdf \(867 KB\)](#)

Founder, Editor & Publisher
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Phone O: 512-474-1022

e-mail ken@theaustinbulldog.org

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