



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 15, 2019

Mr. Christopher D. Leavins  
Counsel for Winnie-stowell Volunteer Emergency Medical Services  
Germer, P. L. L. C.  
550 Fannin, Suite 400  
Beaumont, Texas 77701

OR2019-10059

Dear Mr. Leavins:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 759434.

The Winnie-Stowell Volunteer Emergency Medical Services ("EMS"), which you represent, received a request for a specified recording. You claim EMS is not a governmental body, and thus, is not subject to the Act. Alternatively, you claim the submitted information is excepted from disclosure under sections 552.101 and 552.102 of the Government Code. We have considered the submitted arguments and reviewed the submitted information.

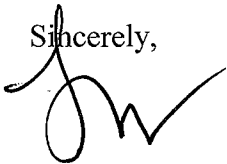
You assert EMS is not a governmental body subject to the Act. The Act defines "governmental body," in pertinent part, as the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that spends or that is supported in whole or in part by public funds[.] Gov't Code § 552.003(1)(A)(xii). "Public funds" means "funds of the state or of a governmental subdivision of the state." *Id.* § 552.003(5). The Texas Supreme Court has defined "'supported in whole or part by public funds' to include only those private entities or their sub-parts sustained, at least in part, by public funds, meaning they could not perform the same or similar services without the public funds." *Greater Houston P'ship v. Paxton*, 468 S.W.3d 51, 63 (Tex. 2015). Thus, section 552.003(1)(A)(xii) encompasses only those private entities that are dependent on public funds to operate as a going concern, *see id.* at 61, and only those entities acting as the functional equivalent of the government, *see id.* at 62.

EMS states it is not supported by public funds because, while it does receive public funding, it could “continue its existence and services. . . without funds from Chambers County[.]” Thus, we understand EMS does not depend on public funds to operate. Based on our review of EMS’s representations, we find EMS is not sustained by public funds for purposes of the Act, does not fall within the definition of a “governmental body” under section 552.003(1)(A)(xii) of the Government Code, and is not subject to the Act. Accordingly, EMS need not respond to the present request for information.<sup>1</sup>

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jahanna Ward  
Assistant Attorney General  
Open Records Division

JW/jxd

Ref: ID# 759434

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

---

<sup>1</sup>As we are able to make this determination, we need not address the remaining arguments against disclosure of the submitted information.