



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 14, 2020

Ms. Mollie M. Lerew
Attorney
Perdue, Brandon, Fielder, Collins & Mott, L.L.P.
P.O. Box 8188
Wichita Falls, Texas 76307

OR2020-31185

Dear Ms. Lerew:

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# 857427.

Perdue, Brandon, Fielder, Collins & Mott, LLP ("Perdue") received a request for information pertaining to a specified citation. Perdue claims it is not a government body, and thus, is not subject to the Act. We have considered the submitted argument and reviewed the submitted information.

Perdue asserts it 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)(xv). "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 in 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)(xv) 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. Upon review, we conclude Perdue does not fall within the definition of a "governmental body" under section 552.003(1)(A)(xv) of the Government Code and is thus not subject to the Act. Accordingly, Perdue need not respond to the present request for information.

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Katie Stallcup
Assistant Attorney General
Open Records Division

AKS/jxd

Ref: ID# 857427

Enc. Submitted documents

c: Requestor
(w/o enclosures)