

:

August 31st, 2020

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

Re: The Texas Ethics Commission ruling request dated August 12th, 2020

I, the requester, am writing your office pursuant to section 552.304 as the Texas Ethics Commission ["Commission"] is seeking to unlawfully, and in defiance of the Public Information Act ["PIA"], by requesting the redaction of information that must be released as a matter of law.

On August 12th, 2020, the Commission sent a request to the AG to redact information from the requester. In reality, their ruling request supports my position. I requested the PFS of David Slayton ["Slayton"]. Further the form has a check box to specify what is a home address and Slayton did not check the box as is required per the Commission's response which states that:

A PFS must include certain information, including the addresses of certain persons or properties, a filer's telephone number, and the name of a filer's dependent child if information regarding the child is disclosed on the PFS. In order to determine which addresses disclosed on a PFS are a filer's home address, the Commission has provided check-boxes on the PFS form for a filer to identify an address as a home address. [*Emphasis added*] That information is used by Commission staff to identify home addresses and redact them accordingly before providing a member of the public with a copy of a PFS or an opportunity to view a PFS. Copies of PFSs are not made available on the Commission's Internet website.

On page 1, Slayton checked the box that this was his "home address" ["Emphasis added"]. On page 5 of 8, Slayton did not check this as his home address. On August 6th, 2020, I sent a request to the Commission that stated: "[T]hanks for the follow up. So if I am reading your email correctly, the address that he listed on page 1 box 2 is not the same address as is listed on page 5 of 8. Is this correct?". The Commission failed to respond to this record request so this leads me to believe that the home address listed on page 1 is *different* from the one on page 5 thus this isn't his home address.

On August 12th, 2020, as required by the PIA, the Commission sent a notice to Slayton that his information is being sought and as required by the PIA Slayton had 10 business days to respond¹ to the request and that the requester must receive a copy as well. I have not received any response from Slayton. Thus, per the Commission's statements, the PIA and based on Slayton's lack of a timely response, he does not object to the information being released thus as a matter of law it must be released.

You are not required to submit arguments to the attorney general, but if you decide not to submit arguments, the Office of the Attorney General will presume that you have no interest in withholding your records from disclosure. In other words, if you fail to take timely

¹ Last time he had Mena Ramon from the Texas Courts file a lengthy response. I suspect this is an ethics violation as she doesn't represent Slayton. Ramon has a history of ignoring laws so the requester isn't surprised. She'd fit in real nicely at the "Ethics" Commission.

action, the attorney general will more than likely rule that your records must be released to the public. If you decide to submit arguments, **you must do so not later than the tenth business day after the date you receive this notice.**²

Moreover, the Commission is blatantly trying to inject laws into the Government Code that are not even present. The Commission states that it “appears that the intent of the Legislature” is that the information is confidential. This statement is false as the code does not state that this information is confidential and it is out of bounds and speculation for the Commission to inject unwritten code into the PIA and/or Government Code.³

While Chapter 572 of the Government Code does not specifically describe that information as “confidential,” it appears that the intent of the Legislature is that the Commission treat the information as confidential by restricting public access. Accordingly, it appears that Section 552.101 of the Government Code excepts that information from public disclosure under the Public Information Act because it is considered to be confidential by law.

Based on the forgoing, I am requesting that you deny the Commission’s request to redact the information.

Regards,

Sent: First Class USPS to the AG

2 The bold text was in the letter sent to Slayton from the Commission.

3 This isn’t the first time that the requester has experienced this type of unethical behavior from the Commission. The thought of this agency being responsible for “Ethics” in Texas is flat out alarming.