

k

July 15th, 2019

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

Re: Complaint ID# R001238

I am writing your office in response to the Texas Ethics Commission's ["Commission"] letter dated July 12th, 2019 sent to Mr. David Slayton giving him a chance to object to the records being released. I do not understand the Commission's logic as they have seem to taken the stance that my public records request date has somehow been extended to the date that the Attorney General ["AG"] sent the Commission an informal complaint for their failure to respond to my original request. These action defy and completely rewrite the Texas Public Information Act ["PIA"], the Texas Statues, and PIA case law that was enacted to make sure that agencies, like the Commission, respond timely to public records requests. As in my letter dated July 10th, 2019, I provided the AG with documentation that shows that Ian Steusloff is listed as the contact for public records on the date I submitted my public records request. The email did not bounce and the email I sent in response to the Commission's request for decision to Mr. Steusloff did not bounce as well. The Texas Bar lists Mr. Steusloff as a lawyer so presumably he knows Texas law and presumably he knows the PIA since he was listed as their contact for public records. The Commission has taken the position that their failure to respond in a timely manner, pursuant to the PIA, is somehow my issue.

The Commission states that Mr. Slayton has a chance to respond pursuant to Gov't Code § 552.305(d); however, the Commission has failed to read Gov't Code § 552.305(d)(1) which states that:

(1) be in writing and sent within a reasonable time not later than the 10th business day after the date the governmental body receives the request for the information;

Here, I submitted my request on April 27th, 2019 and their letter dated July 12th, 2019 is well past the 10 days (52 work days to be exact) pursuant to Gov't Code § 552.305(d)(1); therefore, I am requesting that Mr. Slayton's objections not to be taken into consideration. Moreover, I am not sure why the Commission is sending the letter to Mr. Slayton to the Open Records Division as this is neither required nor authorized under Texas Code. Due to the Commission's failure to respond promptly, they can file a Writ of Mandamus pursuant to Gov't Code § 552.321.

Regards,

Sent: First Class USPS to the AG

cc: Ms. Amy Padilla and Mr. Ian Steusloff via email