

## Open Records Ruling Tracking Sheet

File Number: OR-828822-20	Issued as: <u>CLOSED LTR</u>	Assigned To: Triage
ID#: 828822	Date issued: <u>JUN 02 2020</u>	Date assigned: 03/19/2020

Addressee: MI Calcote Date received: 03/13/2020  
 Entity: Public Safety, Texas Dept. Of Postmark Date:  
 Gov't Body: Public Safety, Texas Dept. Of **45-day deadline: 05/18/2020**  
 Entity's Phone #: ( ) - 55-day deadline: 06/02/2020  
 Entity's fax #: ( ) - 15-day deadline: 03/25/2020 Late:   
 Requestor: Joseph R. Larsen Confidential  10-day deadline: 03/18/2020 Late:   
 Requestor's Phone#: ( ) - 10-day ltr. sent: 5-18-2020  
 Requestor's fax #: ( ) - Ack. sent:  
7-day ltr. sent:  
 Press Office:  7-day ltr. due:  
305 briefs due:

Description:  
 CNG2: Request for all communications regarding Natin Paul (Nate), World Class Holdings, World Class Capital Group, affiliated companies, communications regarding [REDACTED] (ORR 20-0983) Docs

Attachments: 834763 836099 836297 JUN 02 2020

RV2	Drafter	Initials	Draft Due	Simple Due	EZ Due	Date Complete	RV Con	Re-Route	Issue? (Inits)
Y/N	RV 1	<u>JL</u>	04/27/2020	04/02/2020	03/23/2020	_____	Y/N	Y/N	_____
Y/N	RV 2	<u>JDG</u>	_____	_____	_____	_____	Y/N	Y/N	_____
		_____	_____	_____	_____	_____	Y/N	Y/N	_____

Ready to Close: JDG 6/2  
initials/date

Signed: Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Docs returned by mail on JUN 02 2020 by: RTM

Executive Approval: JDG 6/2  
initials/date

Exception: ~~XXXX~~. Closed Letter



X



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 2, 2020

Ms. M.L. Calcote  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

Dear Ms. Calcote:

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# 828822 (ORR# 20-0983).

The Texas Department of Public Safety (the "department") received a request for communications regarding specified topics and a specified address. The department claims the submitted information is excepted from disclosure under section 552.108 of the Government Code. The department also states, and provides documentation showing, it notified the Federal Bureau of Investigation (the "FBI") of the department's receipt of the request for information and of the FBI's right to submit arguments to this office as to why the requested information should not be released.<sup>1</sup> *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have considered the claimed exception and reviewed the submitted information. We have also received and considered comments submitted by FBI.

We note the requested information is the subject of pending litigation in *Joseph Larsen v. Texas Department of Public Safety*, Cause No. D-1-GN-20-002155, in the 459th Judicial District, Travis County, Texas. Notwithstanding pending litigation, our office generally will issue a determination under Government Code section 552.306 where our office has not previously ruled on the precise information at issue. *See* Open Records Decision No. 687 at 3 (2011) ("Section 552.306 does not authorize [this office] to refuse to perform the duty to issue an open records ruling simply because the same disclosure question is pending before a Texas Court."). However, in this instance, we note the litigation at issue and the corresponding determination regarding applicability of the claimed exceptions involve factual questions that can be more appropriately—and conclusively—addressed through the

<sup>1</sup> Although the department received the request on March 12, 2020, the department did not notify the FBI of the department's receipt of the request until May 5, 2020. Our office received comments from the FBI on May 15, 2020.

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EX. 046.002

judicial process where the parties may engage in discovery and more fully develop their factual claims and defenses.

Additionally, the failure of DPS to timely notify the FBI of the underlying request and the FBI's provision of substantially redacted comments to the requestor prevents our office from issuing a ruling in accordance with the statutory requirements specified in section 552.306 of the Government Code. *See* Gov't Code § 552.306 (providing that the attorney general shall promptly render a requested decision "consistent with the standards of due process"). Accordingly, we are closing our file assigned ID# 828822 without issuing a decision and will allow the trial court to determine whether the information at issue must be released to the public.

Sincerely,

James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/rm

Ref: ID# 828822

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

**STATUS SHEET**

06/02/2020

**Mail Id number:** 828822  
**File number:** OR-828822-20  
**ORQ:**  
**Date Written:** 03/13/2020  
**Date Received:** 03/13/2020  
**Date Acknowledge:**  
**Date File Opened:** 03/19/2020  
**Date ORQ Opened:** 00/00/0000  
**Assign To:** JLC9  
**Status:** CLOSED  
**Sub\_Status:** LIT  
**Status Date:** 06/02/2020  
**Issued as:**  
**Billing Code:** AGCY0405  
**Billing Name:** Public Safety, Texas Dept. Of  
**Planned Response:** ORL

**Last Name:** Calcote  
**First Name:** ML  
**Title:** Asst General Counsel  
**Entity:** PUBLIC SAFETY, TEXAS DEPT. OF  
**Address:** P.O. Box 4087  
  
**City:** Austin  
**State:** TX  
**Zip Code:** 78773-0001

**Cross Reference:**  
**Routed to:**  
**Routed On:** 06/02/2020

**Description:** CNG2: Request for all communications regarding Natin Paul (Nate), World Class Holdings, World Class Capital Group, affiliated companies, communications regarding [REDACTED] (ORR 20-0983) Docs

**Legal Issue:**

**Edit Comments:** EB6: 10 day letter sent 5/18/2020

**Exceptions:**

Ms. M.L. Calcote - Page 3

REF: ID # 828822

JOSEPH R LARSEN  
GREGOR WYNNE ARNEY PLLC  
700 LOUISIANA STE 3950  
HOUSTON TX 77002

**Gordon, Justin**

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**From:** Gordon, Justin  
**Sent:** Tuesday, June 2, 2020 8:19 AM  
**To:** Coggeshall, James; Nottingham, Sean; Lee, Debbie  
**Cc:** Bega, Liz  
**Subject:** Re: EXPEDITED ID# 828822: 55-day=06/02/2020

Approved.

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**From:** Coggeshall, James <James.Coggeshall@oag.texas.gov>  
**Sent:** Monday, June 1, 2020 1:42 PM  
**To:** Gordon, Justin <Justin.Gordon@oag.texas.gov>; Nottingham, Sean <Sean.Nottingham@oag.texas.gov>; Lee, Debbie <Debbie.Lee@oag.texas.gov>  
**Cc:** Bega, Liz <Liz.Bega@oag.texas.gov>  
**Subject:** EXPEDITED ID# 828822: 55-day=06/02/2020

**PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION**

**ID# 828822:** The Texas Department of Public Safety (the “department”) received a request for communications regarding specified topics and a specified address. The department claims the submitted information is excepted from disclosure under section 552.108. The Federal Bureau of Investigation (the “FBI”) also submitted arguments.

The requested information is the subject of pending litigation in *Joseph Larsen v. Texas Department of Public Safety*, Cause No. D-1-GN-20-002155, in the 459th Judicial District, Travis County, Texas. The litigation and the corresponding determination regarding applicability of the claimed exceptions involve factual questions that can be more appropriately—and conclusively—addressed through the judicial process. Additionally, the failure of DPS to timely notify the FBI of the underlying request and the FBI’s provision of substantially redacted comments to the requestor prevents our office from issuing a ruling in accordance with the statutory requirements specified in section 552.306. Accordingly, we are closing this file as a closed-lit.



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 25, 2019

Ms. M.L. Calcote  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR2020-

Dear Ms. Calcote:

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# 828822 (ORR# 20-0983).

The Texas Department of Public Safety (the "department") received a request for communications regarding specified topics and a specified address. The department claims the submitted information is excepted from disclosure under section 552.108 of the Government Code. The department also states, and provides documentation showing, it notified the Federal Bureau of Investigation (the "FBI") of the department's receipt of the request for information and of the FBI's right to submit arguments to this office as to why the requested information should not be released.<sup>1</sup> See Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We

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<sup>1</sup> Although the department received the request on March 12, 2020, the department did not notify the FBI of the department's receipt of the request until May 5, 2020. Our office received comments from the FBI on May 15, 2020.

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have considered the claimed exception and reviewed the submitted information. We have also received and considered comments submitted by FBI.

We note the requested information is the subject of pending litigation in *Joseph Larsen v. Texas Department of Public Safety*, Cause No. D-1-GN-20-002155, in the 459th Judicial District, Travis County, Texas. Notwithstanding pending litigation, our office generally will issue a determination under Government Code section 552.306 where our office has not previously ruled on the precise information at issue. See Open Records Decision No. 687 at 3 (2011) (“Section 552.306 does not authorize [this office] to refuse to perform the duty to issue an open records ruling simply because the same disclosure question is pending before a Texas Court.”). However, in this instance, we note the litigation at issue and the corresponding determination regarding applicability of the claimed exceptions involve factual questions that can be more appropriately—and conclusively—addressed through the judicial process where the parties may engage in discovery and more fully develop their factual claims and defenses.

Additionally, the failure of DPS to timely notify the FBI of the underlying request and the FBI’s provision of substantially redacted comments to the requestor prevents our office from issuing a ruling in accordance with the statutory requirements specified in section 552.306 of the Government Code. See Gov’t Code § 552.306 (providing that the attorney general shall promptly render a requested decision “consistent with the standards of due process”). Accordingly, we are closing our file assigned ID# 828822 without issuing a decision and will allow the trial court to determine whether the information at issue must be released to the public.



Sincerely,

James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/

Ref: ID# 828822

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

DRAFT

REF: ID # 828822

JOSEPH R LARSEN  
GREGOR WYNNE ARNEY PLLC  
700 LOUISIANA STE 3950  
HOUSTON TX 77002

DRAFT



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 25, 2019

Ms. M.L. Calcote  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR2020-

Dear Ms. Calcote:

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# 828822 (ORR# 20-0983).

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<sup>1</sup> Although the department received the request on March 12, 2020, the department did not notify the FBI of the department's receipt of the request until May 5, 2020. Our office received comments from the FBI on May 15, 2020.

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have considered the claimed exception and reviewed the submitted information. We have also received and considered comments submitted by FBI.

We note the requested information is the subject of pending litigation in *Joseph Larsen v. Texas Department of Public Safety*, Cause No. D-1-GN-20-002155, in the 459th Judicial District, Travis County, Texas. Notwithstanding pending litigation, our office will generally issue a determination under Government Code section 552.306 where our office has not previously ruled on the precise information at issue. See Open Records Decision No. 687 at 3 (2011) (“Section 552.306 does not authorize [this office] to refuse to perform the duty to issue an open records ruling simply because the same disclosure question is pending before a Texas Court.”). However, in this instance, we note the litigation at issue and the corresponding determination regarding applicability of the claimed exceptions involve factual questions that can be more appropriately—and conclusively—addressed through the judicial process. Additionally, the failure of DPS to timely notify the FBI of the underlying request and the FBI’s provision of substantially redacted comments to the requestor prevents our office from issuing a ruling in accordance with the statutory requirements specified in section 552.306 of the Government Code. See Gov’t Code § 552.306 (interested party may submit comments stating why information should or should not be released). Accordingly, we are closing our file assigned ID# 828822 without issuing a decision and will allow the trial court to determine whether the information at issue must be released to the public.

Sincerely,

James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/

Ref: ID# 828822

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

DRAFT

REF: ID # 828822

JOSEPH R LARSEN  
GREGOR WYNNE ARNEY PLLC  
700 LOUISIANA STE 3950  
HOUSTON TX 77002

DRAFT

**Gordon, Justin**

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**From:** Gordon, Justin  
**Sent:** Monday, June 1, 2020 1:36 PM  
**To:** Coggeshall, James  
**Subject:** Closed Lit Draft  
**Attachments:** Closed Litigation Letter - ID# 828822.docx

James, here is the closed litigation draft for ID# 828822. Let me know if you have any questions. Once you send it up, I will handle getting it closed out so you do not have to come into the office.

- Justin

**Gordon, Justin**

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**From:** Bangert, Ryan  
**Sent:** Monday, June 1, 2020 12:17 PM  
**To:** Gordon, Justin; Vassar, Ryan  
**Subject:** RE: ORD check-in  
**Attachments:** Closed Litigation Letter - ID# 828822 (RB Edits).docx

Just a few minor edits and one substantive change to the parenthetical following the citation to section .306.

Ryan L. Bangert  
Deputy First Assistant Attorney General

Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548  
(512) 936-0631

-----Original Message-----

From: Gordon, Justin <Justin.Gordon@oag.texas.gov>  
Sent: Monday, June 1, 2020 12:02 PM  
To: Vassar, Ryan <Ryan.Vassar@oag.texas.gov>; Bangert, Ryan <Ryan.Bangert@oag.texas.gov>  
Subject: RE: ORD check-in

Are you ok with me going ahead on the closed litigation letter for the DPS file so we can have it ready to go out tomorrow? I have attached the final draft incorporating your edits. I have the complete hard copy file, so we are good to go on that front.

- Justin

-----Original Message-----

From: Vassar, Ryan <Ryan.Vassar@oag.texas.gov>  
Sent: Monday, June 1, 2020 11:25 AM  
To: Bangert, Ryan <Ryan.Bangert@oag.texas.gov>; Gordon, Justin <Justin.Gordon@oag.texas.gov>  
Subject: ORD check-in

Ryan and Justin,

I'm following up on the DPS/FBI matters. The 55-day deadline for the DPS ruling, which refuses to rule on the records, is tomorrow.

And the 10-day deadline on the FBI comments is Wednesday. I have not heard yet whether this request has been withdrawn or is involved in litigation. If we do not hear anything by Wednesday, I suspect Lauren will request a ruling and notify the FBI.



Ryan Vassar  
Deputy Attorney General for Legal Counsel Office of Texas Attorney General Ken Paxton  
(512) 475-4280

## Gordon, Justin

---

**From:** Gordon, Justin  
**Sent:** Thursday, May 28, 2020 3:52 PM  
**To:** Vassar, Ryan  
**Subject:** RE: Updated DPS Closed Litigation Letter Draft

I like those edits. I will get the file prepped to issue next week. Can I pick up the hard copy file tomorrow or Monday?

---

**From:** Vassar, Ryan <Ryan.Vassar@oag.texas.gov>  
**Sent:** Thursday, May 28, 2020 3:50 PM  
**To:** Gordon, Justin <Justin.Gordon@oag.texas.gov>  
**Subject:** RE: Updated DPS Closed Litigation Letter Draft

Looks good, Justin. I made a couple small edits.

Ryan

---

**From:** Gordon, Justin <Justin.Gordon@oag.texas.gov>  
**Sent:** Thursday, May 28, 2020 2:54 PM  
**To:** Vassar, Ryan <Ryan.Vassar@oag.texas.gov>  
**Subject:** Updated DPS Closed Litigation Letter Draft

Ryan,

Pasted below is the updated language for the closed litigation letter on the DPS ruling request.

Let me know what you think. I have a couple of ideas to either strengthen or weaken the language if you would like to discuss the draft further.

Justin

Draft language:

... We note the requested information is the subject of pending litigation in *Joseph Larsen v. Texas Department of Public Safety*, Cause No. D-1-GN-20-002155, in the 459th Judicial District, Travis County, Texas. **Notwithstanding pending litigation, our office will generally issue a determination under Government Code section 552.306 where our office has not previously ruled on the precise information at issue. See Open Records Decision No. 687 at 3 (2011) (“Section 552.306 does not authorize [this office] to refuse to perform the duty to issue an open records ruling simply because the same disclosure question is pending before a Texas Court.”).** However, in this instance, we note the litigation at issue and the corresponding determination regarding applicability of the claimed exceptions involve factual questions that can be more appropriately—and conclusively—addressed through the judicial process by the trial court. Additionally, the failure of DPS to timely notify the FBI of the underlying request and the FBI’s provision of substantially redacted comments to the requestor prevents our office from issuing a ruling in accordance with the statutory requirements specified in section 552.306 of the Government Code. See Gov’t Code § 552.306. Accordingly, we are closing our file assigned ID# 828822 without issuing a decision and will allow the trial court to determine whether the information at issue must be released to the public. ...

## Gordon, Justin

---

**From:** Gordon, Justin  
**Sent:** Wednesday, May 20, 2020 5:23 PM  
**To:** Vassar, Ryan  
**Subject:** DPS Drafts  
**Attachments:** Ruling Draft - ID# 828822 - Closed Litigation Version.docx; Ruling Draft - ID# 828822 - Pour Out Version.docx

Ryan, I have attached the two drafts you requested. The first draft is a general pour out for both the DPS and FBI arguments.

The second draft declines to rule based on the pending litigation filed against DPS by the requestor. This second draft includes a note that the determination would run up against the formal decision we issued in ORD 687.

Link to ORD 687: <https://www.texasattorneygeneral.gov/sites/default/files/ord-files/ord/2020/ord20110687.pdf>

For additional background, here is a link to the State Securities Board ruling involving the same FBI investigation. <https://www2.texasattorneygeneral.gov/opinions/openrecords/51paxton/orl/2019/pdf/or201933291.pdf>

In that ruling we also received FBI comments and concluded that the FBI may withhold the information it provided SSB under FOIA exception 552(b)(5). The ruling also includes a reference to the 5th Circuit case involving the judicial process for accessing sealed orders.

Let me know if you have any questions, and I will check back in on this tomorrow.

Justin



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 25, 2019

Ms. M.L. Calcote  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR2020-

Dear Ms. Calcote:

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# 828822 (ORR# 20-0983).

The Texas Department of Public Safety (the "department") received a request for communications regarding specified topics and a specified address. The department claims the submitted information is exempted from disclosure under section 552.108 of the Government Code. The department also states, and provides documentation showing, it notified the Federal Bureau of Investigation (the "FBI") of the department's receipt of the request for information and of the FBI's right to submit arguments to this office as to why the requested information should not be released.<sup>1</sup> See Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We

<sup>1</sup> Although the department received the request on March 12, 2020, the department did not notify the FBI of the department's receipt of the request until May 5, 2020. Our office received comments from the FBI on May 15, 2020.

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Ms. M.L. Calcote - Page 2

have considered the claimed exception and reviewed the submitted information. We have also received and considered comments submitted by FBI.

We note the remaining requested information is the subject of pending litigation in *Joseph Larsen v. Texas Department of Public Safety*, Cause No. D-1-GN-20-002155, in the 459th Judicial District, Travis County, Texas. Accordingly, we are closing our file assigned ID# 828822 without issuing a decision and will allow the trial court to determine whether the information at issue must be released to the public.

Sincerely,

James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/

Ref: ID# 828822

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

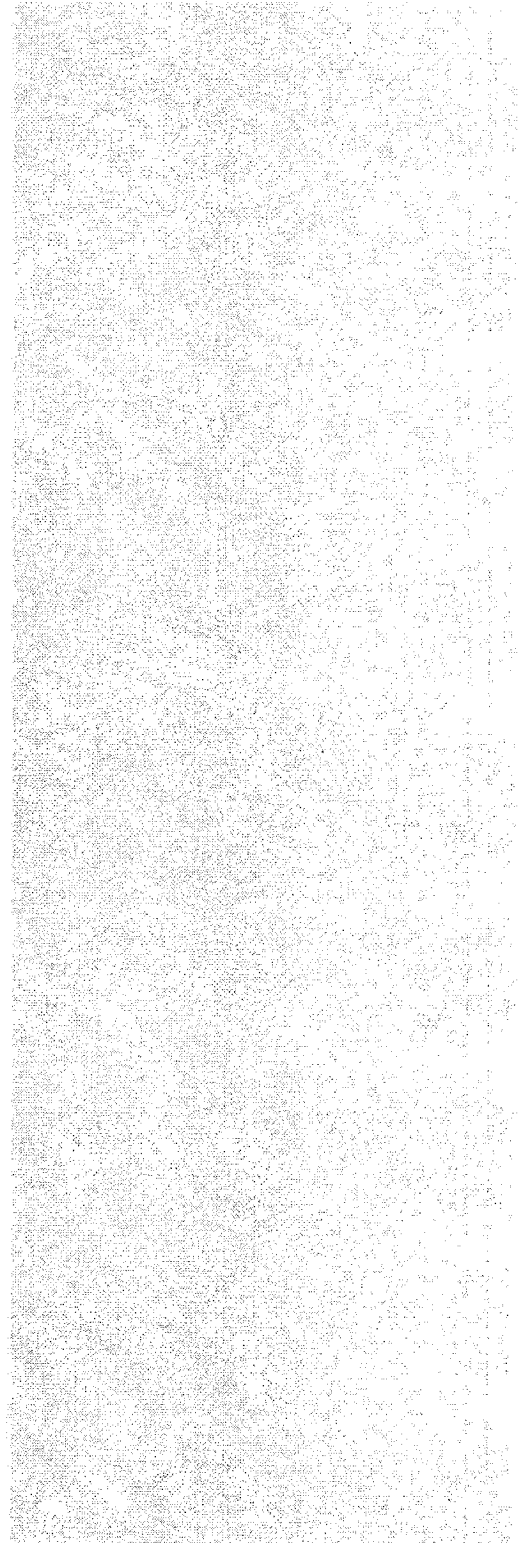
**Commented [G11]:** Note, this is the language our office uses to close out files where our office has been sued on a previous ruling that addressed the precise information. In this instance, we have not previously ruled upon the submitted information. Accordingly, this conclusion may conflict with our decision in ORD 687 requiring us to rule on issues that have not been previously addressed. I have not been able to identify a closed litigation letter issued in this type of circumstance since ORD 687 was issued. However, it was relatively common before ORD 687 was issued.

Ms. M.L. Calcote - Page 3

REF: ID # 828822

JOSEPH R LARSEN  
GREGOR WYNNE ARNEY PLLC  
700 LOUISIANA STE 3950  
HOUSTON TX 77002

DRAFT





**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 25, 2019

Ms. M.L. Calcote  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR2020-

Dear Ms. Calcote:

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# 828822 (ORR# 20-0983).

The Texas Department of Public Safety (the "department") received a request for communications regarding specified topics and a specified address. The department claims the submitted information is exempted from disclosure under section 552.108 of the Government Code. The department also states, and provides documentation showing, it notified the Federal Bureau of Investigation (the "FBI") of the department's receipt of the request for information and of the FBI's right to submit arguments to this office as to why the requested information should not be released.<sup>1</sup> *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We

<sup>1</sup> Although the department received the request on March 12, 2020, the department did not notify the FBI of the department's receipt of the request until May 5, 2020. Our office received comments from the FBI on May 15, 2020.

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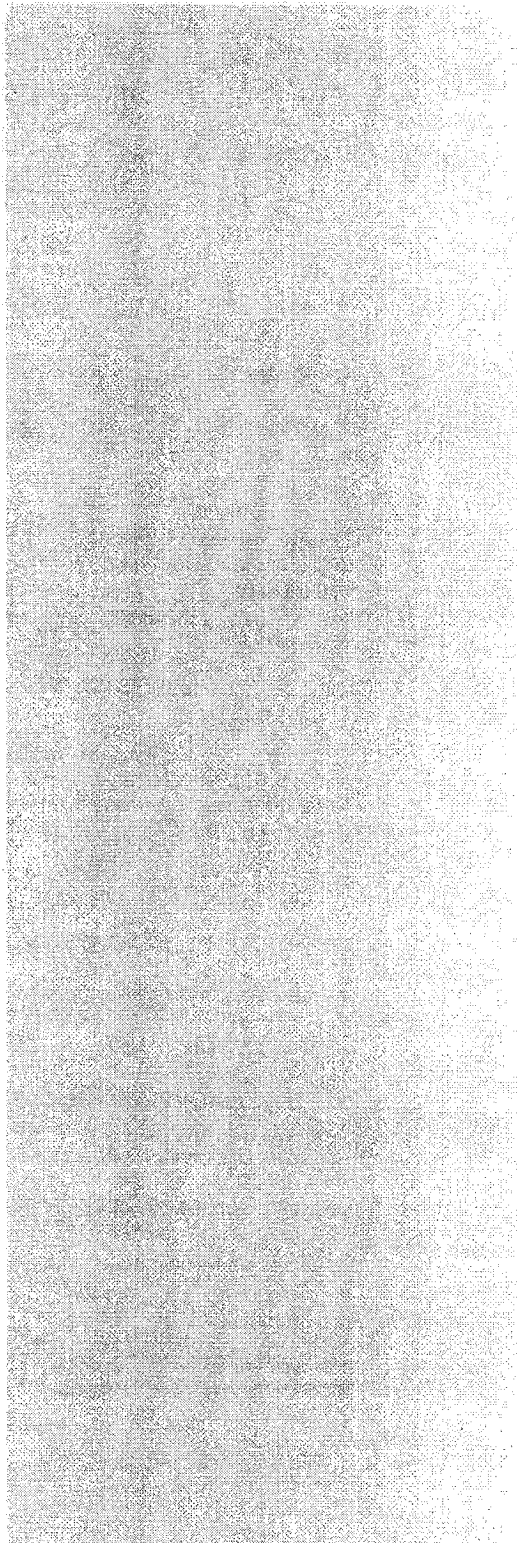
EX. 046.023

have considered the claimed exception and reviewed the submitted information. We have also received and considered comments submitted by the FBI.

Section 552.108(a) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov’t Code § 552.108(a)(1). A governmental body claiming section 552.108(a)(1) must explain how and why the release of the information at issue would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706, 710 (Tex. 1977). The department generally asserts that the submitted information is excepted from disclosure under section 552.108(a)(1). The FBI also asserts the submitted information is excepted from disclosure under section 552.108(a)(1). However, we find both the department and the FBI have failed to demonstrate section 552.108(a)(1) is applicable to the information at issue. Thus, the department may not withhold the submitted information under section 552.108(a)(1) of the Government Code.

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.”<sup>2</sup> Gov’t Code § 552.101. Section 552.101 encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) not of legitimate

<sup>2</sup> The Office of the Attorney General will raise mandatory exceptions on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).





concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. This office has found personal financial information not relating to a financial transaction between an individual and a governmental body is generally highly intimate or embarrassing. See Open Records Decision Nos. 523 (1989) (common-law privacy protects credit reports, financial statements, and other personal financial information), 373 (1983) (sources of income not related to financial transaction between individual and governmental body protected under common-law privacy). The Third Court of Appeals has also concluded public citizens' dates of birth are protected by common-law privacy pursuant to section 552.101. See *Paxton v. City of Dallas*, No. 03-13-00546-CV, 2015 WL 3394061, at \*3 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.). Additionally, a compilation of an individual's criminal history is highly embarrassing information, the publication of which would be highly objectionable to a reasonable person. Cf. *U.S. Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 764 (1989) (when considering prong regarding individual's privacy interest, court recognized distinction between public records found in courthouse files and local police stations and compiled summary of information and noted that individual has significant privacy interest in compilation of one's criminal history). Furthermore, we find a compilation of a private citizen's criminal history is generally not of legitimate concern to the public. Upon review, we find some of the remaining information, which we have marked, satisfies the standard articulated by the Texas Supreme Court in *Industrial Foundation*. Therefore, the

department must withhold the information we have marked under section 552.101 of the Government Code in conjunction with common-law privacy.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release.<sup>3</sup> See Gov't Code § 552.130. Accordingly, the department must withhold the motor vehicle record information we have marked under section 552.130 of the Government Code.

Section 552.136 of the Government Code provides, "[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." *Id.* § 552.136(b); see *id.* § 552.136(a) (defining "access device"). Accordingly, the department must withhold the account numbers we have marked under section 552.136 of the Government Code.

In summary, the department must withhold the information we have marked under section 552.101 of the Government Code in conjunction with common-law privacy. The department must withhold the motor vehicle record information we have marked under section 552.130 of the Government Code. The department must withhold the account

<sup>3</sup> The Office of the Attorney General will raise mandatory exceptions on behalf of a governmental body, but ordinarily will not raise other exceptions. See Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

numbers we have marked under section 552.136 of the Government Code. The department must release the remaining information.<sup>4</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 <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,

James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/

Ref: ID# 828822

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

<sup>4</sup> We note the remaining information includes social security numbers. Section 552.147(b) of the Government Code authorizes a government body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act. Gov't Code § 552.147(b).

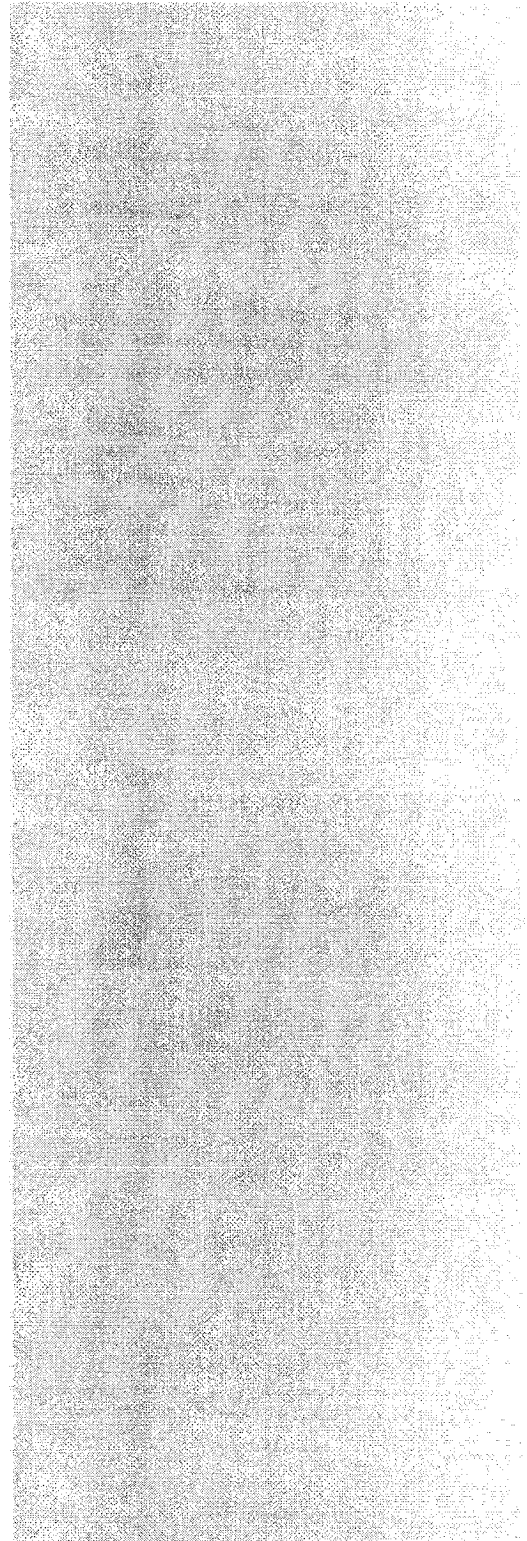
**Commented [GJ1]:** Note: Although Joe Larsen may be Natin Paul's authorized representative for purposes of this request, I have not yet identified a definitive statement that is the case. So, the ruling does not address a 552.023 right of access to Mr. Paul's private information otherwise being withheld under sections 552.101, 130, and 136. Even if such a right of access existed, these exceptions are applicable to the information of numerous other individuals identified in the documents.

Ms. M.L. Calcote - Page 6

REF: ID # 828822

JOSEPH R LARSEN  
GREGOR WYNNE ARNEY PLLC  
700 LOUISIANA STE 3950  
HOUSTON TX 77002

DRAFT



## Gordon, Justin

---

**From:** Montoya, Stephanie  
**Sent:** Wednesday, May 20, 2020 5:23 PM  
**To:** Gordon, Justin  
**Subject:** RE: ID# 828822

If she does, let me know and I can get it to her.

Thanks!

---

**From:** Gordon, Justin <Justin.Gordon@oag.texas.gov>  
**Sent:** Wednesday, May 20, 2020 5:22 PM  
**To:** Montoya, Stephanie <Stephanie.Montoya@oag.texas.gov>  
**Subject:** Re: ID# 828822

Don't worry about it. It is just a mailed copy of the PIC request we received yesterday. Nothing new, and it should have gone to Lauren's crew. We can leave this copy in the file, and I will see if Lauren wants a copy.

---

**From:** Montoya, Stephanie <Stephanie.Montoya@oag.texas.gov>  
**Sent:** Wednesday, May 20, 2020 5:20 PM  
**To:** Gordon, Justin <Justin.Gordon@oag.texas.gov>  
**Subject:** RE: ID# 828822

Just saw this. If you need it scanned, I can do it.

---

**From:** Gordon, Justin <Justin.Gordon@oag.texas.gov>  
**Sent:** Wednesday, May 20, 2020 5:11 PM  
**To:** Montoya, Stephanie <Stephanie.Montoya@oag.texas.gov>  
**Subject:** RE: ID# 828822

Thanks. Would you also please scan it in and send it to me?

---

**From:** Montoya, Stephanie <Stephanie.Montoya@oag.texas.gov>  
**Sent:** Wednesday, May 20, 2020 5:10 PM  
**To:** Gordon, Justin <Justin.Gordon@oag.texas.gov>  
**Subject:** ID# 828822

Justin,

We received an attachment to this file today. I placed it in your box:

Thanks,  
Steph

## Gordon, Justin

---

**From:** Gordon, Justin  
**Sent:** Tuesday, May 19, 2020 1:11 PM  
**To:** Montoya, Stephanie; Villars, Melanie; Lee, Debbie  
**Subject:** Re: Attachment to ID# 828822 - FBI Comments

Done. Thanks Stephanie.

---

**From:** Montoya, Stephanie <Stephanie.Montoya@oag.texas.gov>  
**Sent:** Tuesday, May 19, 2020 1:06 PM  
**To:** Villars, Melanie <Melanie.Villars@oag.texas.gov>; Gordon, Justin <Justin.Gordon@oag.texas.gov>; Lee, Debbie <Debbie.Lee@oag.texas.gov>  
**Subject:** RE: Attachment to ID# 828822 - FBI Comments

It is now logged in. Please put the following numbers on the letter:

828822  
836099

Team work makes the dream work!

Thanks all,  
Steph

---

**From:** Villars, Melanie <Melanie.Villars@oag.texas.gov>  
**Sent:** Tuesday, May 19, 2020 12:45 PM  
**To:** Gordon, Justin <Justin.Gordon@oag.texas.gov>; Montoya, Stephanie <Stephanie.Montoya@oag.texas.gov>; Lee, Debbie <Debbie.Lee@oag.texas.gov>  
**Subject:** RE: Attachment to ID# 828822 - FBI Comments

Sarah Bridges will be looking for this on Thursday for the PIC.

---

**From:** Gordon, Justin <Justin.Gordon@oag.texas.gov>  
**Sent:** Tuesday, May 19, 2020 12:41 PM  
**To:** Montoya, Stephanie <Stephanie.Montoya@oag.texas.gov>; Lee, Debbie <Debbie.Lee@oag.texas.gov>; Villars, Melanie <Melanie.Villars@oag.texas.gov>  
**Subject:** Re: Attachment to ID# 828822 - FBI Comments

Stephanie, that information is filled in below. Thanks.

---

**From:** Montoya, Stephanie <Stephanie.Montoya@oag.texas.gov>  
**Sent:** Tuesday, May 19, 2020 12:39 PM  
**To:** Lee, Debbie <Debbie.Lee@oag.texas.gov>; Gordon, Justin <Justin.Gordon@oag.texas.gov>; Villars, Melanie <Melanie.Villars@oag.texas.gov>  
**Subject:** Re: Attachment to ID# 828822 - FBI Comments

Debbie,

If you tell me the following info, I can log it in from here:

Date written: May 13

Date received: May 15

Postmark: May 13

Who wrote the letter: Matthew J. McPhillips - Chief Division Counsel

Name of organization: Federal Bureau of Investigation

If there were docs: No Docs

I'll send you the id# when I've logged it in.

Thanks,  
Steph

---

**From:** Lee, Debbie <[Debbie.Lee@oag.texas.gov](mailto:Debbie.Lee@oag.texas.gov)>  
**Sent:** Tuesday, May 19, 2020 11:58 AM  
**To:** Gordon, Justin <[Justin.Gordon@oag.texas.gov](mailto:Justin.Gordon@oag.texas.gov)>; Montoya, Stephanie <[Stephanie.Montoya@oag.texas.gov](mailto:Stephanie.Montoya@oag.texas.gov)>; Villars, Melanie <[Melanie.Villars@oag.texas.gov](mailto:Melanie.Villars@oag.texas.gov)>  
**Cc:** Smith, Tamara <[tamara.smith@oag.texas.gov](mailto:tamara.smith@oag.texas.gov)>; Bridges, Sarah <[Sarah.Bridges@oag.texas.gov](mailto:Sarah.Bridges@oag.texas.gov)>  
**Subject:** RE: Attachment to ID# 828822 - FBI Comments

I found the comments in Friday's attachment stack. Justin, do you want me to put it in your box? Or should I put it in Steph's box so she can enter it when she comes in tomorrow?

---

**From:** Lee, Debbie  
**Sent:** Tuesday, May 19, 2020 10:58 AM  
**To:** Gordon, Justin <[Justin.Gordon@oag.texas.gov](mailto:Justin.Gordon@oag.texas.gov)>; Montoya, Stephanie <[Stephanie.Montoya@oag.texas.gov](mailto:Stephanie.Montoya@oag.texas.gov)>; Villars, Melanie <[Melanie.Villars@oag.texas.gov](mailto:Melanie.Villars@oag.texas.gov)>  
**Cc:** Smith, Tamara <[tamara.smith@oag.texas.gov](mailto:tamara.smith@oag.texas.gov)>; Bridges, Sarah <[Sarah.Bridges@oag.texas.gov](mailto:Sarah.Bridges@oag.texas.gov)>  
**Subject:** RE: Attachment to ID# 828822 - FBI Comments

I think I saw 3<sup>rd</sup> party comments from the FBI last week. It would have been either Tuesday or Friday, since that is when I do the mail.

---

**From:** Gordon, Justin <[Justin.Gordon@oag.texas.gov](mailto:Justin.Gordon@oag.texas.gov)>  
**Sent:** Tuesday, May 19, 2020 10:50 AM  
**To:** Montoya, Stephanie <[Stephanie.Montoya@oag.texas.gov](mailto:Stephanie.Montoya@oag.texas.gov)>; Lee, Debbie <[Debbie.Lee@oag.texas.gov](mailto:Debbie.Lee@oag.texas.gov)>; Villars, Melanie <[Melanie.Villars@oag.texas.gov](mailto:Melanie.Villars@oag.texas.gov)>  
**Cc:** Smith, Tamara <[tamara.smith@oag.texas.gov](mailto:tamara.smith@oag.texas.gov)>; Bridges, Sarah <[Sarah.Bridges@oag.texas.gov](mailto:Sarah.Bridges@oag.texas.gov)>  
**Subject:** Re: Attachment to ID# 828822 - FBI Comments

Thank you.

---

**From:** Montoya, Stephanie <[Stephanie.Montoya@oag.texas.gov](mailto:Stephanie.Montoya@oag.texas.gov)>  
**Sent:** Tuesday, May 19, 2020 10:31 AM  
**To:** Gordon, Justin <[Justin.Gordon@oag.texas.gov](mailto:Justin.Gordon@oag.texas.gov)>; Lee, Debbie <[Debbie.Lee@oag.texas.gov](mailto:Debbie.Lee@oag.texas.gov)>; Villars, Melanie <[Melanie.Villars@oag.texas.gov](mailto:Melanie.Villars@oag.texas.gov)>  
**Cc:** Smith, Tamara <[tamara.smith@oag.texas.gov](mailto:tamara.smith@oag.texas.gov)>; Bridges, Sarah <[Sarah.Bridges@oag.texas.gov](mailto:Sarah.Bridges@oag.texas.gov)>  
**Subject:** RE: Attachment to ID# 828822 - FBI Comments

Will do. And, I'll ask the mail team to check though their work to see if they may have it as well.

**From:** Gordon, Justin <[Justin.Gordon@oag.texas.gov](mailto:Justin.Gordon@oag.texas.gov)>

**Sent:** Tuesday, May 19, 2020 10:30 AM

**To:** Montoya, Stephanie <[Stephanie.Montoya@oag.texas.gov](mailto:Stephanie.Montoya@oag.texas.gov)>; Lee, Debbie <[Debbie.Lee@oag.texas.gov](mailto:Debbie.Lee@oag.texas.gov)>; Villars, Melanie <[Melanie.Villars@oag.texas.gov](mailto:Melanie.Villars@oag.texas.gov)>

**Cc:** Smith, Tamara <[tamara.smith@oag.texas.gov](mailto:tamara.smith@oag.texas.gov)>; Bridges, Sarah <[Sarah.Bridges@oag.texas.gov](mailto:Sarah.Bridges@oag.texas.gov)>

**Subject:** Attachment to ID# 828822 - FBI Comments

Good morning. Please look out for comments from the FBI on file ID# 828822 from DPS. The requestor submitted a PIC request for the unredacted version of them, but I have not seen them, and they are not yet noted in Tracking. We already issued a 10-day on the file, so we only have a short window to locate and review the comments.

Thank you.



## Gordon, Justin

---

**From:** Gordon, Justin  
**Sent:** Tuesday, May 19, 2020 12:54 PM  
**To:** Bangert, Ryan; Vassar, Ryan  
**Subject:** Scanned FBI Comments [Confidential]  
**Attachments:** image2020-05-19-122510.pdf

I have attached the scanned FBI comments for DPS ruling request ID# 828822. These comments include detailed descriptions of the responsive documents that are, at least in part, confidential in our hands under Government Code section 552.3035. The comments are much more detailed than the typical 552.108 arguments we receive and include an argument for each of the responsive e-mails. They also indicate that all of the court-filed records remain sealed and are not publicly available.

Please let me know if you have any immediate questions and I can discuss them in more detail during our meeting this afternoon.

Justin

**Gordon, Justin**

---

**From:** Gordon, Justin  
**Sent:** Monday, May 18, 2020 9:15 AM  
**To:** Coggeshall, James; Nottingham, Sean  
**Subject:** Re: ID# 828822: that DPS file

Yes, we are going to 10-day this one to give the FBI time to brief. I will handle the 10-day with Liz.

---

**From:** Coggeshall, James <James.Coggeshall@oag.texas.gov>  
**Sent:** Monday, May 18, 2020 7:10 AM  
**To:** Gordon, Justin <Justin.Gordon@oag.texas.gov>; Nottingham, Sean <Sean.Nottingham@oag.texas.gov>  
**Subject:** ID# 828822: that DPS file

This is the DPS file where someone called you to say suit had already been filed for the information. You are reviewing the draft. It's due today, so I assume we will 10-day.

## Gordon, Justin

---

**From:** Gordon, Justin  
**Sent:** Monday, May 11, 2020 11:28 AM  
**To:** Vassar, Ryan  
**Subject:** DPS File for Review  
**Attachments:** 828822.docx

Ryan, the DPS draft is attached for your review. Please let me know if you have questions. The 45-day deadline on this file is May 18th. However, DPS just notified the FBI of the request last week. So, unless you object, we will likely ten-day the file to give the third party time to submit briefing to our office. That would make the 55-day deadline June 2<sup>nd</sup>.

- Justin

< RB  
Ryan >

Just tried to call. I'm available now  
until a conference call at 2:00. Then  
for the rest of the day after 2:30.

Tue, May 19, 10:58 AM

Justin, still in strategy meeting. Will  
call as soon as I'm done.

in out in lobby

Tue, Jun 2, 9:38 AM

When is the Nate Paul letter  
scheduled to go out today? I've  
provided a copy to the AG for review  
but have not yet heard back.

We just checked with the mail room  
and they are closing at 2:00 today.  
So we will be dropping off that letter  
ourselves in the final drop at 1:00.

Ok. Let's check in right beforehand  
to ensure we're good to go.

No problem. I will check in around  
12:00 if I don't hear anything before.

  iMessage 



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 18, 2020

Ms. M. L. Calcote  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

Dear Ms. Calcote:

Pursuant to section 552.306 of the Government Code, the attorney general must issue a written opinion within forty-five working days from the date the attorney general receives a request for an open records decision. The attorney general may extend the period for issuing the decision by an additional ten working days by informing the governmental body and the requestor of the reason for the delay. Gov't Code § 552.306.

In the process of researching your open records request, identified as ID# 828822, we have concluded that we require additional time to research the legal issues raised by your request for an open records decision. We will notify you of our ruling regarding your request as expeditiously as possible.

Sincerely,

A handwritten signature in cursive script that reads "Justin Gordon".

Justin Gordon  
Division Chief  
Open Records Division

JG/eb

Ref: ID# 828822

Enclosures

c: Requestor  
(w/o enclosures)

Post Office Box 12548, Austin, Texas 78711-2548 • (512) 463-2100 • [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov)

REF: ID # 828822

JOSEPH R LARSEN  
GREGOR WYNNE ARNEY PLLC  
700 LOUISIANA STE 3950  
HOUSTON TX 77002



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 25, 2019

Ms. M.L. Calcote  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR2020-

Dear Ms. Calcote:

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# 828822 (ORR# 20-0983).

The Texas Department of Public Safety (the "department") received a request for communications regarding specified topics, including World Class Holdings. The department claims the submitted information is excepted from disclosure under section 552.108 of the Government Code. The department also states, and provides documentation showing, it notified the Federal Bureau of Investigation (the "FBI") of the department's receipt of the request for information and of the FBI's right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should

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EX. 046.039

not be released). We have considered the claimed exception and reviewed the submitted representative sample of information.<sup>1</sup>

Initially, we note the submitted information contains court-filed documents that are subject to section 552.022(a)(17) of the Government Code, which provides the following:

Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or other law:

(17) information that is also contained in a public court record[.]

Gov't Code § 552.022(a)(17). Section 552.108 of the Government Code is discretionary and does not make information confidential under the Act. *See* Open Records Decision No. 177 (1977) (governmental body may waive statutory predecessor to section 552.108); *see also* Open Records Decision No. 665 at 2 n.5 (2000) (discretionary exceptions generally). Therefore, the department may not withhold the information subject to section 552.022(a)(17), which we have marked, under section 552.108.

---

<sup>1</sup> We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.



Section 552.108(a) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov’t Code § 552.108(a)(1). A governmental body claiming section 552.108(a)(1) must explain how and why the release of the information at issue would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706, 710 (Tex. 1977). The department states the remaining information relates to a pending criminal investigation or prosecution. Based on this representation, we conclude the release of this information would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.—Houston [14th Dist.] 1975) (delineating law enforcement interests present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, the department may withhold the remaining information under section 552.108(a)(1) of the Government Code.

In summary, the department must release the information we have marked under section 552.022(a)(17) of the Government Code. The department may withhold the remaining information under section 552.108(a)(1) of the Government Code.

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,

James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/

Ref: ID# 828822

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

REF: ID # 828822

JOSEPH R LARSEN  
GREGOR WYNNE ARNEY PLLC  
700 LOUISIANA STE 3950  
HOUSTON TX 77002

## Coggeshall, James

---

**From:** Coggeshall, James  
**Sent:** Tuesday, April 21, 2020 9:29 AM  
**To:** Gordon, Justin  
**Subject:** RE: File to Pull - ID# 828822

I will put it in your box today, probably within the next 2 hours

---

**From:** Gordon, Justin <Justin.Gordon@oag.texas.gov>  
**Sent:** Tuesday, April 21, 2020 9:07 AM  
**To:** Coggeshall, James <James.Coggeshall@oag.texas.gov>  
**Cc:** Lee, Debbie <Debbie.Lee@oag.texas.gov>; Villars, Melanie <Melanie.Villars@oag.texas.gov>; Montoya, Stephanie <Stephanie.Montoya@oag.texas.gov>  
**Subject:** File to Pull - ID# 828822

James, last night I received correspondence from the requestor in this file indicating that he filed a PIA mandamus suit against DPS regarding this request. Tracking shows the file is assigned to you, but let me know if it is an X file that is with someone else.

Next time you are in the office, please pull this file and place it in my box. If the file may be somewhere else, then please let me know.

Justin

# TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001  
512/424-2000

[www.dps.texas.gov](http://www.dps.texas.gov)



STEVEN C. McCRAW  
DIRECTOR  
FREEMAN F. MARTIN  
RANDALL B. PRINCE  
JEFF WILLIAMS  
DEPUTY DIRECTORS



COMMISSION  
STEVEN P. MACH, CHAIRMAN  
NELDA L. BLAIR  
STEVE H. STODGHILL  
DALE WAINWRIGHT

Received by Open Records

MAR 13 2020

March 13, 2020

OR - 828822-20  
828822

Via Hand Delivery

Attorney General of Texas  
Open Records Division  
209 West 14th Street, 6th Floor  
Austin, Texas 78701

JLC

5/18

RE: Public Information Request for communications regarding Natin "Nate" Paul, World Class Holdings, World Class Capital Group and those regarding [REDACTED] (PIR # 20-0983)

DATE REQUEST FOR INFORMATION RECEIVED:

3/4/2020

DATE REQUEST FOR RULING SUBMITTED TO ATTORNEY GENERAL:

3/13/2020

Dear Open Records Division:

The Department of Public Safety received the above-referenced request for information from Joseph Larsen on March 4, 2020 and the clarification of that request on March 12, 2020. We believe some or all of the requested information is excepted from required public disclosure pursuant to section 552.108 of the Government Code. Accordingly, we are requesting a ruling regarding the release of these records.

An investigation involving the above-referenced individual, entity and location is ongoing. Thus, the Department believes the requested information is excepted from required public disclosure pursuant to section 552.108(a)(1) of the Government Code, which states:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:
  - (1) release of the information would interfere with the detection, investigation, or prosecution of crime.

Because this is an ongoing investigation, the release of potential evidence would interfere with the investigation and prosecution of this case. See *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, 184-85 (Tex. Civ. App.—Houston [14th Dist.] 1975), writ ref'd n.r.e., 536 S.W.2d 559 (Tex. 1976) (per curiam). Consequently, the Department believes these responsive records are excepted from required public disclosure at least until the investigation is complete.

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# TEXAS DEPARTMENT OF PUBLIC SAFETY

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512/424-2000

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DEPUTY DIRECTORS



COMMISSION  
STEVEN P. MACH, CHAIRMAN  
NELDA L. BLAIR  
STEVE H. STODGHILL  
DALE WAINWRIGHT

Received by Open Records

MAR 13 2020

March 13, 2020

OR-828822-20  
828822

## Via Hand Delivery

Attorney General of Texas  
Open Records Division  
209 West 14th Street, 6th Floor  
Austin, Texas 78701

RE: Public Information Request for communications regarding Natin "Nate" Paul, World Class Holdings, World Class Capital Group and those regarding [REDACTED] (PIR # 20-0983)

DATE REQUEST FOR INFORMATION RECEIVED:

3/4/2020

DATE REQUEST FOR RULING SUBMITTED TO ATTORNEY GENERAL:

3/13/2020

Dear Open Records Division:

The Department of Public Safety received the above-referenced request for information from Joseph Larsen on March 4, 2020 and the clarification of that request on March 12, 2020. We believe some or all of the requested information is excepted from required public disclosure pursuant to section 552.108 of the Government Code. Accordingly, we are requesting a ruling regarding the release of these records.

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- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:
  - (1) release of the information would interfere with the detection, investigation, or prosecution of crime.

Because this is an ongoing investigation, the release of potential evidence would interfere with the investigation and prosecution of this case. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, 184-85 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e.*, 536 S.W.2d 559 (Tex. 1976) (per curiam). Consequently, the Department believes these responsive records are excepted from required public disclosure at least until the investigation is complete.

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EX. 046.046

Please find enclosed the request from Joseph Larsen, the notice of our request for a ruling sent to the requestor, and a representative sample of the records we wish to except from required disclosure. Please feel free to contact me at (512) 424-2890 if you have any questions.

Sincerely,



ML Calcote  
Assistant General Counsel

Enclosure(s)

cc: Joseph Larsen  
Gregor Wynne Arney PLLC  
700 Louisiana, Suite 3950  
Houston, TX 77002  
jlarsen@gcfirm.com

\\hqogcs001\ORA\2020 requests\20-0983\20-0983 (20-03-13) letter to AG

PIR 20-0983 ORIGINAL REQUEST

**From:** Joseph Larsen <jlarsen@gcfirm.com>  
**Sent:** Tuesday, March 3, 2020 11:54 PM  
**To:** OGC Webmaster  
**Subject:** Public Information Act Request

Pursuant to the Texas Public Information Act, I hereby request the following information:

All communications regarding Natin "Nate Paul, World Class Holdings, World Class Capital Group and/or affiliated companies.

All communications regarding or referencing [REDACTED]

Please contact me promptly if you feel this request needs clarification.

Regards,

Joseph R. Larsen  
GREGOR | WYNNE | ARNEY, PLLC  
Bank of America Center  
700 Louisiana, Suite 3950  
Houston, Texas 77002  
(713) 306-1937 – Direct  
(832) 390-2644 – Office  
(832) 390-2655 – Fax  
jlarsen@gcfirm.com  
www.gcfirm.com

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DEPUTY DIRECTORS



COMMISSION  
STEVEN P. MACH, CHAIRMAN  
NELDA L. BLAIR  
STEVE H. STODGHILL  
DALE WAINWRIGHT

March 13, 2020

## Via Email

Joseph Larsen  
Gregor Wynne Arney PLLC  
[jlarsen@gcfirm.com](mailto:jlarsen@gcfirm.com)

RE: Public Information Request for communications regarding Natin "Nate" Paul, World Class Holdings, World Class Capital Group and those regarding [REDACTED] (PIR # 20-0983)

Mr. Larsen:

The Department received your above-referenced request on March 4, 2020 and requested clarification of that request on March 11, 2020. Based on your clarification received on March 12, 2020, the Department has located records responsive to your request; however, we believe some or all of the records may be excepted from required public disclosure at this time. We are seeking a ruling from the attorney general's office with respect to disclosure of these records, and a copy of our request letter is enclosed. You will be notified directly by the attorney general's office when a ruling is issued.

If you have any questions regarding this request, please submit them in writing via facsimile to (512) 424-5716, via email to [OGC.Webmaster@dps.texas.gov](mailto:OGC.Webmaster@dps.texas.gov), via mail to the address in the letterhead, or in person at our offices at 5805 N. Lamar Blvd. in Austin. Thank you.

Cordially,

A handwritten signature in cursive script that reads 'ML Calcote'.

ML Calcote  
Assistant General Counsel

cc: Attorney General of Texas  
Open Records Division  
209 West 14th Street, 6th Floor  
Austin, Texas 78701

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HBOM00197230

EX. 046.049

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March 11, 2020

## Via Email

Joseph Larsen  
Gregor Wynne Arney PLLC  
jlarsen@gcfirm.com

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Mr. Larsen:

The Department received your above-referenced request on March 4, 2020. Please provide a date range for the communications that you seek.

Please clarify what information you are seeking and we will proceed with your request accordingly. In accordance with Government Code section 552.222(d), if we do not receive a written response from you by the 61st day after the date of this letter, your request will be considered to have been withdrawn. You may submit the response in writing via email to [OGC.Webmaster@dps.texas.gov](mailto:OGC.Webmaster@dps.texas.gov), via mail to the address in the letterhead, or in person at our offices at 5805 N. Lamar Blvd. in Austin.

If you have any questions regarding this request, please submit them in writing via facsimile to (512) 424-5716, via email to [OGC.Webmaster@dps.texas.gov](mailto:OGC.Webmaster@dps.texas.gov), via mail to the address in the letterhead, or in person at our offices at 5805 N. Lamar Blvd. in Austin. Thank you.

Cordially,

A handwritten signature in black ink that reads 'ML Calcote'.

ML Calcote  
Assistant General Counsel

\\hqogcs001\ORA\2020 requests\20-0983\20-0983 (20-03-11) letter to requestor

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HBOM00197231

EX. 046.050

PIR 20-0983 CLARIFICATION

**From:** [OGC Webmaster](#)  
**To:** [Calcote, Mary \(ML\)](#)  
**Subject:** FW: Public Information Request (20-0983)  
**Date:** Thursday, March 12, 2020 3:38:21 PM

---

-----Original Message-----

From: Joseph Larsen <[jlarsen@gcfirm.com](mailto:jlarsen@gcfirm.com)>  
Sent: Thursday, March 12, 2020 3:08 PM  
To: OGC Webmaster <[OGC.Webmaster@dps.texas.gov](mailto:OGC.Webmaster@dps.texas.gov)>  
Subject: RE: Public Information Request (20-0983)

Mr. Chalcote-

I deliberately did not include a date range because I did not expect the full universe of the communications responsive to my request to be voluminous. Simply do the same searches you otherwise would without any date restrictions.

You also ask me to "please clarify" what information I am seeking, but you don't indicate that the term "communications" or "regarding" or any other term in my request is ambiguous, and of course it isn't. I am looking for all communications. There should be no issue, but interpret "regarding" broadly to mean "including any reference to."

I do not believe you should reset the clock on my PIA request for such a thin request on your part for clarification.

Joseph R. Larsen  
GREGOR | WYNNE | ARNEY, PLLC  
Direct: (713) 306-1937  
[jlarsen@gcfirm.com](mailto:jlarsen@gcfirm.com)

-----Original Message-----

From: OGC Webmaster  
Sent: Wednesday, March 11, 2020 11:41 AM  
To: Joseph Larsen <[jlarsen@gcfirm.com](mailto:jlarsen@gcfirm.com)>  
Subject: Public Information Request (20-0983)

Please see attached.

ML Calcote  
Assistant General Counsel  
Texas Dept. of Public Safety  
Office of General Counsel  
(512) 424-2890

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DALE WAINWRIGHT

March 13, 2020

## Via Email

Joseph Larsen  
Gregor Wynne Arney PLLC  
jlarsen@gcfirm.com

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Mr. Larsen:

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If you have any questions regarding this request, please submit them in writing via facsimile to (512) 424-5716, via email to [OGC.Webmaster@dps.texas.gov](mailto:OGC.Webmaster@dps.texas.gov), via mail to the address in the letterhead, or in person at our offices at 5805 N. Lamar Blvd. in Austin. Thank you.

Cordially,

A handwritten signature in black ink that reads "ML Calcote".

ML Calcote  
Assistant General Counsel

cc: Attorney General of Texas  
Open Records Division  
209 West 14th Street, 6th Floor  
Austin, Texas 78701

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EX. 046.052

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**552.108**

ONGOING INVESTIGATION

MAY 06 2020

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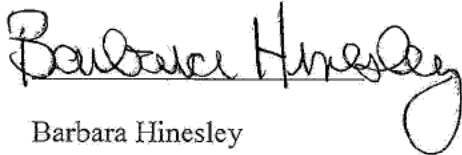
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DALE WAINWRIGHT

## NOTICE OF DEPOSIT IN FIRST CLASS MAIL

828022  
834763

**Date:** May 5, 2020  
**To:** Office of the Attorney General  
Open Records Section  
**From:** ML Calcote  
Office of General Counsel  
Texas Department of Public Safety  
**RE:** Public Information Request for communications regarding Natin "Nate" Paul, World Class Holdings, World Class Capital Group and those regarding [REDACTED] (PIR # 20-0983)

In accordance with section 552.308(a)(2) of the Government Code, the Department of Public Safety certifies that the undersigned sent the attached letter related to DPS PIR 20-0983 to the Open Records Division of the Office of the Attorney General by depositing the letter into first class US mail on May 5, 2020.

  
Barbara Hinesley

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MAY 06 2020

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STEVE H. STODGHILL  
DALE WAINWRIGHT

May 5, 2020

Via First Class Mail

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

RE: Public Information Request for communications regarding Natin "Nate" Paul, World Class Holdings, World Class Capital Group and those regarding [REDACTED] (PIR # 20-0983)

DATE REQUEST FOR INFORMATION RECEIVED:	3/4/2020
DATE REQUEST FOR RULING SUBMITTED TO ATTORNEY GENERAL:	3/13/2020
DATE NOTICE PROVIDED TO THIRD PARTY:	5/5/2020

Dear Open Records Division:

The Department of Public Safety received the above-referenced request for information from Joseph Larsen on March 4, 2020 and the clarification of that request on March 12, 2020. The Department submitted a request for ruling on March 13, 2020.

The Department believes the requested information may also implicate the interest of a third party. The Department has notified the third party of their right to submit arguments against the disclosure of the information at issue pursuant to section 552.305(b) and has copied the requestor pursuant to section 552.301(e-1). We believe some or all of the requested information is excepted from required public disclosure pursuant to section 552.108 of the Government Code. Accordingly, we are requesting a ruling regarding the release of these records.

Please find enclosed a copy of the original request for ruling and a copy of our notice to the third party. Please feel free to contact me at (512) 424-2890 or via email at [ogc.webmaster@dps.texas.us](mailto:ogc.webmaster@dps.texas.us) if you have any questions.

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Sincerely,



ML Calcote  
Assistant General Counsel

Enclosure(s)

cc: Joseph Larsen – via email only  
Gregor Wynne Arney PLLC  
[jlarsen@gcfirm.com](mailto:jlarsen@gcfirm.com)

Matthew J. McPhillips – via email only  
Chief Division Counsel – FBI  
[mjmcphillips@fbi.gov](mailto:mjmcphillips@fbi.gov)



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DALE WAINWRIGHT

May 5, 2020

*Via Email*

Matthew J. McPhillips – via email only  
Chief Division Counsel – FBI  
[mjmcphillips@fbi.gov](mailto:mjmcphillips@fbi.gov)

RE: Public Information Request for communications regarding Natin “Nate” Paul, World Class Holdings, World Class Capital Group and those regarding [REDACTED] (PIR # 20-0983)

Mr. McPhillips:

The Department of Public Safety has received a formal request from Joseph Larsen for the records referenced above. A copy of the request for information and the Department’s brief to the Office of the Attorney General is enclosed. The requested files include records we received from you or from your entity. The Office of the Attorney General is reviewing this matter, and they will issue a decision on whether Texas law requires us to release your records. Generally, the Public Information Act (the “Act”) requires the release of requested information, but there are exceptions. As described below, you have the right to object to the release of your records by submitting written arguments to the attorney general that one or more exceptions apply to your records. 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 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.**

If you submit arguments to the attorney general, you must:

- a) identify the legal exceptions that apply,
- b) identify the specific parts of each document that are covered by each exception, and
- c) explain why each exception applies. Gov’t Code §552.305(d).

A claim that an exception applies without further explanation will not suffice. (Attorney General Opinion H-436). You may contact this office to review the information at issue in order to make your arguments. We will provide the attorney general with a copy of the request for information and a copy

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HBOM00197238

EX. 046.057

of the requested information, along with other material required by the Act. The attorney general is generally required to issue a decision within 45 working days.

Please send your written comments to the Office of the Attorney General at the following address:

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

**In addition, you are required to provide the requestor with a copy of your communication to the Office of the Attorney General.** Gov't Code §552.305(e). You may redact the requestor's copy of your communication to the extent it contains the substance of the requested information. Gov't Code §552.305(e).

### **Commonly Raised Exceptions**

In order for a governmental body to withhold requested information, specific tests or factors for the applicability of a claimed exception must be met. Failure to meet these tests may result in the release of requested information. We have listed the most commonly claimed exceptions in the Government Code concerning proprietary information and the leading cases or decisions discussing them. This listing is not intended to limit any exceptions or statutes you may raise.

### **Section 552.101: Information Made Confidential by Law**

Open Records Decision No. 652 (1997).

### **Section 552.103: Information related to litigation involving the state or a political subdivision**

### **Section 552.108: Information held by a law enforcement agency or prosecutor that deals with the detection, investigation or prosecution of crime**

If you have questions about this notice or release of information under the Act, please refer to the Public Information Handbook published by the Office of the Attorney General, or contact the attorney general's Open Government Hotline at (512) 478-OPEN (6736) or toll-free at (877) 673-6839 (877-OPEN TEX). To obtain copies of the *Public Information Handbook* or Attorney General Opinions, including those listed above, please visit the attorney general's website at <http://www.texasattorneygeneral.gov>.

Sincerely,

*ML Calcote*

ML Calcote  
Assistant General Counsel  
Office of General Counsel

Enclosures

cc: Office of the Attorney General – via US mail  
Open Records Division  
P.O. Box 12548  
Austin, Texas 78711-2548

Joseph Larsen – via email only  
Gregor Wynne Arney PLLC  
[jlarsen@gcfirm.com](mailto:jlarsen@gcfirm.com)

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STEVE H. STODGHILL  
DALE WAINWRIGHT

March 13, 2020

## Via Hand Delivery

Attorney General of Texas  
Open Records Division  
209 West 14th Street, 6th Floor  
Austin, Texas 78701

RE: Public Information Request for communications regarding Natin "Nate" Paul, World Class Holdings, World Class Capital Group and those regarding [REDACTED] (PIR # 20-0983)

DATE REQUEST FOR INFORMATION RECEIVED:

3/4/2020

DATE REQUEST FOR RULING SUBMITTED TO ATTORNEY GENERAL:

3/13/2020

Dear Open Records Division:

The Department of Public Safety received the above-referenced request for information from Joseph Larsen on March 4, 2020 and the clarification of that request on March 12, 2020. We believe some or all of the requested information is excepted from required public disclosure pursuant to section 552.108 of the Government Code. Accordingly, we are requesting a ruling regarding the release of these records.

An investigation involving the above-referenced individual, entity and location is ongoing. Thus, the Department believes the requested information is excepted from required public disclosure pursuant to section 552.108(a)(1) of the Government Code, which states:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:
  - (1) release of the information would interfere with the detection, investigation, or prosecution of crime.

Because this is an ongoing investigation, the release of potential evidence would interfere with the investigation and prosecution of this case. See *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, 184-85 (Tex. Civ. App.—Houston [14th Dist.] 1975), writ ref'd n.r.e., 536 S.W.2d 559 (Tex. 1976) (per curiam). Consequently, the Department believes these responsive records are excepted from required public disclosure at least until the investigation is complete.

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HBOM00197241

EX. 046.060

Please find enclosed the request from Joseph Larsen, the notice of our request for a ruling sent to the requestor, and a representative sample of the records we wish to except from required disclosure. Please feel free to contact me at (512) 424-2890 if you have any questions.

Sincerely,



ML Calcote  
Assistant General Counsel

Enclosure(s)

cc: Joseph Larsen  
Gregor Wynne Arney PLLC  
700 Louisiana, Suite 3950  
Houston, TX 77002  
jlarsen@gcfirm.com

\\hqogcs001\ORA\2020 requests\20-0983\20-0983 (20-03-13) letter to AG

PIR 20-0983 ORIGINAL REQUEST

**From:** Joseph Larsen <jlarsen@gcfirm.com>  
**Sent:** Tuesday, March 3, 2020 11:54 PM  
**To:** OGC Webmaster  
**Subject:** Public Information Act Request

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All communications regarding Natin "Nate Paul, World Class Holdings, World Class Capital Group and/or affiliated companies.

All communications regarding or referencing [REDACTED]

Please contact me promptly if you feel this request needs clarification.

Regards,

Joseph R. Larsen  
GREGOR | WYNNE | ARNEY, PLLC  
Bank of America Center  
700 Louisiana, Suite 3950  
Houston, Texas 77002  
(713) 306-1937 – Direct  
(832) 390-2644 – Office  
(832) 390-2655 – Fax  
jlarsen@gcfirm.com  
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March 11, 2020

Via Email

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Please clarify what information you are seeking and we will proceed with your request accordingly. In accordance with Government Code section 552.222(d), if we do not receive a written response from you by the 61st day after the date of this letter, your request will be considered to have been withdrawn. You may submit the response in writing via email to [OGC.Webmaster@dps.texas.gov](mailto:OGC.Webmaster@dps.texas.gov), via mail to the address in the letterhead, or in person at our offices at 5805 N. Lamar Blvd. in Austin.

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Cordially,

A handwritten signature in black ink that reads 'ML Calcote'.

ML Calcote  
Assistant General Counsel

\\hqogcs001\ORA\2020 requests\20-0983\20-0983 (20-03-11) letter to requestor

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HBOM00197244

EX. 046.063

PIR 20-0983 CLARIFICATION

**From:** OGC Webmaster  
**To:** Calcote, Mary (ML)  
**Subject:** FW: Public Information Request (20-0983)  
**Date:** Thursday, March 12, 2020 3:38:21 PM

---

-----Original Message-----

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Sent: Thursday, March 12, 2020 3:08 PM  
To: OGC Webmaster <OGC.Webmaster@dps.texas.gov>  
Subject: RE: Public Information Request (20-0983)

Mr. Chalcote-

I deliberately did not include a date range because I did not expect the full universe of the communications responsive to my request to be voluminous. Simply do the same searches you otherwise would without any date restrictions.

You also ask me to "please clarify" what information I am seeking, but you don't indicate that the term "communications" or "regarding" or any other term in my request is ambiguous, and of course it isn't. I am looking for all communications. There should be no issue, but interpret "regarding" broadly to mean "including any reference to."

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-----Original Message-----

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Sent: Wednesday, March 11, 2020 11:41 AM  
To: Joseph Larsen <jlarsen@gcfirm.com>  
Subject: Public Information Request (20-0983)

Please see attached.

ML Calcote  
Assistant General Counsel  
Texas Dept. of Public Safety  
Office of General Counsel  
(512) 424-2890

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STEVE H. STODGHILL  
DALE WAINWRIGHT

March 13, 2020

## Via Email

Joseph Larsen  
Gregor Wynne Arney PLLC  
[jlarsen@gcfirm.com](mailto:jlarsen@gcfirm.com)

RE: Public Information Request for communications regarding Natin "Nate" Paul, World Class Holdings, World Class Capital Group and those regarding [REDACTED] (PIR # 20-0983)

Mr. Larsen:

The Department received your above-referenced request on March 4, 2020 and requested clarification of that request on March 11, 2020. Based on your clarification received on March 12, 2020, the Department has located records responsive to your request; however, we believe some or all of the records may be excepted from required public disclosure at this time. We are seeking a ruling from the attorney general's office with respect to disclosure of these records, and a copy of our request letter is enclosed. You will be notified directly by the attorney general's office when a ruling is issued.

If you have any questions regarding this request, please submit them in writing via facsimile to (512) 424-5716, via email to [OGC.Webmaster@dps.texas.gov](mailto:OGC.Webmaster@dps.texas.gov), via mail to the address in the letterhead, or in person at our offices at 5805 N. Lamar Blvd. in Austin. Thank you.

Cordially,

A handwritten signature in cursive script that reads 'ML Calcote'.

ML Calcote  
Assistant General Counsel

cc: Attorney General of Texas  
Open Records Division  
209 West 14th Street, 6th Floor  
Austin, Texas 78701

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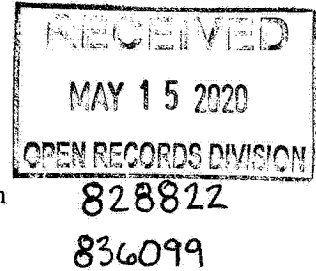
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HBOM00197246

EX. 046.065



U.S. Department of Justice  
Federal Bureau of Investigation



In Reply, Please Refer to  
File No.

San Antonio Division  
5740 University Heights Boulevard  
San Antonio, Texas 78249  
May 13, 2020

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

RE: **Public Information Request: Communications Regarding Natin "Nate" Paul, World Class Holdings, World Class Capital Group, and 7800 Cava Place, Austin, TX 78735 (PIR #20-0983).**

Dear Sir or Madame:

The San Antonio Division of the Federal Bureau of Investigation (FBI) has been advised of an open records request submitted to the Texas Department of Public Safety (DPS). Records responsive to that request includes records involving the FBI. We are in receipt of a letter dated May 5, 2020 from DPS formally notifying us about the open record request referenced above.

The FBI asserts that all records responsive to the request should be excepted from required public disclosure under Chapter 552 of the Texas Government Code. In compliance with section 552.108 of the Government Code (*Exception: Certain Law Enforcement, Corrections, and Prosecutorial Information*), the FBI requests an Attorney General decision and provides the following information for your review and consideration.

Pursuant to section 552.108 of the Government Code, information held by a law enforcement agency may be excepted from public disclosure if "***release of the information would interfere with the detection, investigation, or prosecution of crime***" or if "it is information that ***deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.***" Gov't Code §552.108(a)(1) and (2) (emphasis added).

Moreover, section 552.108(b) also states "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of Section 552.021 if:

- (1) release of the internal record or notation ***would interfere with law enforcement or prosecution;***

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EX. 046.066

(2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication; ...”

Gov’t Code §552.108(b)(1) and (2) (emphasis added).

As of the date of this letter, the FBI’s Austin office is conducting an active investigation concerning World Class Capital. In August of 2019, the FBI executed federal search warrants in this investigation which resulted in media attention. No one has been charged in this investigation and it remains pending. As a result, any disclosure of FBI material in an active investigation would interfere with the detection or investigation of criminal activity. This is precisely the basis for which material may be excepted from public disclosure. *See* Tex. Atty. Gen. Op., ORD-127 (1976) (Withholding an arson investigation that was pending and under investigation, and no prosecutive decision had been made); *See also* Tex. Atty. Gen. Op., ORD-613 (1992) (DPS withheld intoxilyzer test results from public disclosure for pending criminal investigations and prosecutions).

The FBI routinely works with its federal, state and local law enforcement partners to conduct criminal and national security investigations. We have multiple task forces throughout Texas whose purpose is to work together to address various types of crime including, but not limited to, gangs, violent crime, white collar crime, terrorism, and narcotics trafficking. The World Class Capital investigation is being conducted by our Austin office. The FBI task force that is conducting this investigation includes representatives from DPS who were deputized as federal agents at the time of the August 2019 search warrant operation. The task force officers from DPS were acting in their capacity as federally deputized officers working on a sensitive federal investigation using federal authorities when the search warrant operation occurred. The investigation and search warrant operation were conducted in concert with federal prosecutors from the U.S. Attorney’s Office in Austin.

### **Responsive Records**

DPS provided the FBI with responsive records to the open record request at issue. In total, there are six (6) e-mail communications involving DPS task force officers using their “dps.texas.gov” e-mail addresses, not their FBI-issued e-mail address. Some of these e-mail records contain sensitive attachments related to legal process and law enforcement sensitive operations. Some of these e-mails were sent to DPS management for awareness purposes prior to the August 2019 operation. The FBI deems all of these e-mail records law enforcement sensitive and should not be disclosed. The following is a description of the six responsive records.

#### **I. E-mail Dated August 12, 2019 (“Subject: 8-14-19 SW op”)**

This is an e-mail from the lead FBI investigator ([REDACTED]) to all FBI and task force officer personnel participating in the August 2019 federal search warrant operation. It should not be disclosed. This e-mail contains three attachments as follows:

1. **A Law Enforcement Operations Order.** This document is considered “law enforcement sensitive” and has a legal caveat at the bottom of the first page that states:

*“(U) LAW ENFORCEMENT SENSITIVE: The information marked (U//LES) in this document is the property of the Federal Bureau of Investigation and may be distributed within the Federal Government (and its contractors), U.S. intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without Federal Bureau of Investigation authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website on an unclassified network without first obtaining FBI approval.”*

This record provides sensitive, detailed information concerning law enforcement operations. This attachment contains the identities of law enforcement personnel, their cell phone numbers, tactics and strategic information, personally identifiable information (PII), photographs, and how law enforcement prepares in advance of an operation. This sensitive record and premature disclosure to the requestor would inhibit the investigation by providing a preview of information possessed by investigators prior to any criminal charges being filed. This record is ordinarily disclosed to counsel during criminal discovery only after formal charges have been brought.

2. **Attachment B.** This document is the list of items investigators were authorized to seize during the August of 2019 search warrant. This document is similarly sensitive and should not be disclosed.
3. **Sealed Affidavit.** This document is the affidavit prepared by an FBI task force officer which provided the probable cause for a U.S. Magistrate to authorize the search warrant. This document is currently “*under seal*” and has not been released to anyone. It is extremely sensitive and provides a roadmap of the investigation including details as to the government’s investigative steps, legal process, and confidential information. Since no one has been charged in this pending investigation, this affidavit remains sealed. It should not be disclosed.

**II. E-mail Dated August 12, 2019 (“Subject: \*\*\*CID Confidential\*\*\* FBI Search Warrant (Team 3) on 9/14”)**

This is an e-mail from a DPS task force officer (██████████) believed to be sent to other DPS officials who aided the FBI in this search warrant operation. The e-mail contains a legal caveat at the bottom that states “*This communication may be confidential and/or privileged pursuant to relevant law, including Government Code Sections 552.352, 552.101 and 552.111 and should not be disclosed without the express authorization of the Texas Department of Public Safety.*” While this caveat notes the express permission of the Texas DPS, the DPS task force officer who sent it was a federally deputized FBI task force officer acting under federal authority. This e-mail also includes an attachment which is the 51-page “Law Enforcement Operations Order” described above which contains very sensitive information. It does not appear that the two individuals who received the e-mail – ██████████ – are FBI task force officers but are rather likely DPS officials who provided assistance. This e-mail record should not be disclosed.

**III. E-mail Dated August 15, 2019 (“Subject: Fwd: 1:19-MJ-431 search warrant applications (6) filed today – attached”)**

This record is an e-mail sent by an FBI task force officer (██████████) to another FBI task force officer from DPS (██████████). The e-mail chain contained **sealed** federal court documents originating from the U.S. Court office. The documents in the 244-page attachment (19MJ431.pdf) include sealed search warrants filed in federal court, a motion to seal the search warrant applications and search warrant, a signed court order to seal the search warrant applications and search warrant signed by a U.S. Magistrate Judge, and the supporting affidavit which provides sensitive and confidential details about the investigation. These records were forwarded by the supervising Assistant United States Attorney to the FBI investigators leading the investigation. The intent was to share it with the investigative team for purposes of the operation, not prematurely disclose it in an open record request simply because it was located on a DPS e-mail server. This was a federal investigation worked under federal authorities with state task force officers. This e-mail and its attachment are sealed federal court records and should not be disclosed in this open record request.

**IV. E-mail Dated October 15, 2019 (No Subject)**

This record is an e-mail from an FBI task force officer (██████████) to another FBI task force officer from DPS (██████████). This e-mail contains the same 244-page attachment (19MJ431.pdf) which includes several sensitive, sealed federal court documents related to the search warrant operation in August of 2019. This e-mail record and its attachment should not be disclosed in this open record request.

**V. E-mail Dated August 15, 2019 (“Subject: Re: Staging Area Team #3”)**

This record is an e-mail from an FBI employee to a group of other investigators which included a DPS task force officer using his dps.texas.gov e-mail address. The e-mail string

originated from the team leader of search team #3 and discussed a staging location and the location of a piece of evidence. This is an internal deliberative record not intended to have been disclosed prematurely to people outside of law enforcement. It provides details on how law enforcement plans an operation. The record also discusses a sensitive issue with respect to the need to keep digital evidence powered on until a lawful forensic examination could be conducted. This e-mail record should not be disclosed.

**VI. E-mail Dated August 12, 2019 (“Subject: Search Warrant Assistance FBI Austin”)**

This record is an e-mail sent from a DPS task force officer (██████████) using his dps.texas.gov e-mail address believed to be directed to his management at DPS. This record is a law enforcement sensitive record that highlights the collaboration between state and federal law enforcement. The DPS task force officer who sent the e-mail was acting in his capacity as a federally deputized task force officer under federal authorities. He was simply notifying his chain of command of an impending operation of which he was a participant. This record is similarly connected to other records involving a sensitive, non-public federal investigation.

**Application**

The six e-mail records cited above are federal records that originated from DPS task force officers acting in their official *federal* capacity concerning a federally supervised and led criminal investigation. Section 552.108 of the Texas Government Code permits restriction of information held by a law enforcement agency if “release of the information would interfere with the detection, investigation, or prosecution of crime” or if “*it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.*” Gov’t Code §552.108(a)(1) and (2) (emphasis added). Section 552.108(b) also states “[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for *internal use in matters relating to law enforcement or prosecution* is excepted from the requirements of Section 552.021 if:

- (1) release of the internal record or notation *would interfere with law enforcement* or prosecution;
- (2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication; ...”

Gov’t Code §552.108(b)(1) and (2) (emphasis added).

All six of the records described above involve information dealing with the detection and investigation of crime. No one has been charged in this pending federal investigation, so a conviction has not been obtained. Sensitive federal records such as these would only be disclosed in criminal discovery to legal counsel for individuals charged with a crime. Even records concerning pre-operational planning and communication with non-FBI state officials constitute an “internal record or notation” relating to law enforcement operations. Premature disclosure to the

requestor of any of these six records including all attachments would interfere with the pending federal investigation. In conclusion, the FBI requests an Attorney General decision in favor of not disclosing any FBI information in the responsive records concerning this open record request.

Thank you for your time and attention to this request. I may be contacted at (210) 650-6115 or [mjmcphillips@fbi.gov](mailto:mjmcphillips@fbi.gov) if you have any questions or require additional information.

Sincerely,



Matthew J. McPhillips  
Chief Division Counsel

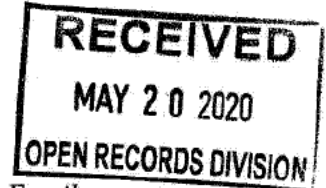
cc: Ms. Mary Calcote  
Assistant General Counsel, Texas Department of Public Safety  
[mary.calcote@dps.texas.gov](mailto:mary.calcote@dps.texas.gov)  
*Via e-mail*

Mr. Joseph Larsen (**Redacted**)  
Gregor Wynne Arney PLLC  
[jlarsen@gcfirm.com](mailto:jlarsen@gcfirm.com)  
*Via e-mail*

# GREGOR | WYNNE | ARNEY, PLLC

JOSEPH R. LARSEN  
DIRECT LINE: (713) 306-1937  
E-MAIL: [JLARSEN@GRFIRM.COM](mailto:JLARSEN@GRFIRM.COM)

May 18, 2020



Office for Public Information  
Attorney General of Texas  
209 West 14th Street, 6th Floor  
Austin, Texas 78701

Via Email

JL c9  
/  
Jdgi

828822  
836297

RE: Public Information Request of unredacted copy of [redacted] 5/18 thereof for immediate release BI to the attorney general on May 13, 2020.

Dear Officer for Public Information—

Pursuant to the Texas Public Information Act (“PIA”), I hereby request immediate release, in compliance with the applicable statutes, of an unredacted copy of comments submitted by the FBI to the attorney general on May 13, 2020. The FBI’s comments were submitted in connection with the Texas Department of Public Safety’s (“DPS”) request for ruling dated March 13, 2020 to withhold information responsive to my PIA request for all communications regarding

Natin “Nate Paul, World Class Holdings, World Class Capital Group and/or affiliated companies and all communications regarding or referencing [redacted]

A redacted copy of the FBI’s comments is attached for reference as *Exhibit A*. There is no statutory authority for the FBI to redact its legal arguments, and the FBI’s and DPS’s blatant disregard of their obligations under the PIA should result in release of the full comments with no redactions, but at a minimum, with substantially fewer redactions.

### ***Procedural History and Applicable Statutes***

The FBI, like any other person, may submit written comments stating reasons why the information at issue in a request for an attorney general decision should or should not be released. Tex. Gov’t Code § 552.304(a). If the comments “disclose or contain the substance of the information requested from the governmental body, the copy of the comments sent to the person who requested the information must be a redacted copy.” § 552.304(b) (emphasis added). On its face, the FBI’s five completely redacted pages include not only the substance of the information requested, but also the FBI’s legal arguments and reasoning and facts pertinent to proving applicability of the claimed exception that don’t disclose the substance of the information at issue, including basic information, which must always be disclosed. The FBI’s action in redacting the entirety of its comments subverts the statutory requirement that the requestor receive a copy of the comments

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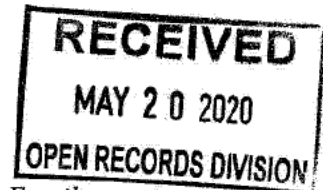


# GREGOR | WYNNE | ARNEY, PLLC

JOSEPH R. LARSEN  
DIRECT LINE: (713) 306-1937  
E-MAIL: [JLARSEN@GRFIRM.COM](mailto:JLARSEN@GRFIRM.COM)

May 18, 2020

Office for Public Information  
Attorney General of Texas  
209 West 14th Street, 6th Floor  
Austin, Texas 78701



Via Email

828828  
836297

RE: Public Information Request and legal brief in support thereof for immediate release of unredacted copy of comments submitted by the FBI to the attorney general on May 13, 2020.

Dear Officer for Public Information—

Pursuant to the Texas Public Information Act (“PIA”), I hereby request immediate release, in compliance with the applicable statutes, of an unredacted copy of comments submitted by the FBI to the attorney general on May 13, 2020. The FBI’s comments were submitted in connection with the Texas Department of Public Safety’s (“DPS”) request for ruling dated March 13, 2020 to withhold information responsive to my PIA request for all communications regarding

Natin “Nate Paul, World Class Holdings, World Class Capital Group and/or affiliated companies and all communications regarding or referencing [REDACTED]

A redacted copy of the FBI’s comments is attached for reference as *Exhibit A*. There is no statutory authority for the FBI to redact its legal arguments, and the FBI’s and DPS’s blatant disregard of their obligations under the PIA should result in release of the full comments with no redactions, but at a minimum, with substantially fewer redactions.

### ***Procedural History and Applicable Statutes***

The FBI, like any other person, may submit written comments stating reasons why the information at issue in a request for an attorney general decision should or should not be released. Tex. Gov’t Code § 552.304(a). If the comments “*disclose or contain the substance of the information requested from the governmental body, the copy of the comments sent to the person who requested the information must be a redacted copy.*” § 552.304(b) (emphasis added). On its face, the FBI’s five completely redacted pages include not only the substance of the information requested, but also the FBI’s legal arguments and reasoning and facts pertinent to proving applicability of the claimed exception that don’t disclose the substance of the information at issue, including basic information, which must always be disclosed. The FBI’s action in redacting the entirety of its comments subverts the statutory requirement that the requestor receive a copy of the comments

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HBOM00197254

EX. 046.073

and makes it impossible for the requestor to respond to the comments, literally having no idea what they are.

Further, however, the FBI's submission of comments is not pursuant to § 552.304, but purportedly under § 552.305. In this connection, DPS provided notice to the FBI's Chief Division Counsel May 5, 2020 that information responsive to my PIA request includes "records we received from you or from your entity." See *Exhibit B*, p. 1. DPS's notice also included the following paragraph advising the FBI that:

**In addition, you are required to provide the requestor with a copy of your communication to the Office of the Attorney General.** Gov't Code §552.305(e). You may redact the requestor's copy of your communication to the extent it contains the substance of the requested information. Gov't Code §552.305(e).

*Exhibit B*, p. 2. (emphasis in original). DPS's notice further gave notice to the FBI, under the heading "Commonly Raised Exceptions," that

In order for a *governmental body* to withhold requested information, specific tests or factors for the applicability of a claimed exception must be met. Failure to meet these tests may result in the release of requested information. We have listed the most commonly claimed exceptions in the Government Code concerning *proprietary* information and the leading cases or decisions discussing them. This listing is not intended to limit any exceptions or statutes you may raise.

*Id.* (emphasis added). The referenced provision, 552.305 (e), states that

A person who submits a letter, memorandum, or brief to the attorney general under Subsection (d) shall send a copy of that letter, memorandum, or brief to the person who requested the information from the governmental body. If the letter, memorandum, or brief submitted to the attorney general *contains the substance of the information requested, the copy of the letter, memorandum, or brief may be a redacted copy.*

*Id.* (emphasis added). This language also prohibits redacting any more than necessary to not reveal the substance of the information at issue. That said, the information at issue is not "proprietary" to the FBI at all, and it falls within the definition of public information. Tex. Gov't Code § 552.002(a). See also § 552.233(a)(officeholders have no ownership interest).

Finally, § 552.301(e-1) allows a governmental body to submit comments in favor of withholding the information, which DPS did here, and it also requires the governmental body to

send a copy of those comments to the person who requested the information from the governmental body not later than the 15th business day after the date of receiving the written request. *If the written comments disclose or contain the substance of the information requested, the copy of the comments provided to the person must be a redacted copy* (emphasis added).

Further regarding governmental bodies, as set out in § 552.302:

If a governmental body does not request an attorney general decision as provided by Section 552.301 and provide the requestor with the information required by Sections 552.301(d) and (e-1), the information requested in writing is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information (emphasis added).

The plain language of this statute is amplified in the 2020 PIA Handbook, p. 40 where the attorney general sets out that

*Governmental bodies are cautioned against redacting more than that which would reveal the substance of the information requested from the comments sent to the requestor. A failure to comply with the requirements of section 552.301 can result in the information being presumed public under section 552.302 of the Government Code.*

Attorney General PIA Handbook excerpt attached hereto as *Exhibit C* (emphasis added).

While sent under the statute and in the applicable to notice to a person whose privacy or proprietary interests are at issue pursuant to § 552.305(d), DPS's notice explicitly refers to the FBI as a "governmental body." Further, virtually the only part of the comments that are unredacted states that the FBI is seeking withholding of the information in "compliance with section 552.108 of the Government Code . . ." This is the "law enforcement" exception, not a proprietary interest, and it is not even among the statutes listed in § 552.305(d). It is the same exception claimed by DPS, and the FBI is merely acting here as a cat's paw for DPS to make its argument through the FBI but without revealing the specific legal argument at issue.

### ***Conclusion***

Under no circumstances can the FBI or any other person submit comments to the attorney general and conceal from the requestor its legal arguments and reasoning, and pertinent facts not at issue in the underlying request, which would include basic information. Despite the plain language of the applicable statutes, this fundamental requirement is repeatedly ignored by governmental bodies without any consequence. The FBI is acting here as a governmental body with only a fiction of a distinct interest from that of DPS on whose behalf it is acting, and the full unredacted comments should be presumed public and released promptly on the grounds of violation of § 552.302. At a minimum, the attorney general must promptly release the FBI's comments with the minimum redactions necessary to protect the information at issue in DPS's request for ruling.

To do otherwise is to accept that governmental bodies may hide behind a procedural process that assumes good faith while blatantly abusing the requirements of the PIA. If these statutes mean anything at all, they must be enforced when enforcement can still matter.

Sincerely,

GREGOR | WYNNE | ARNEY, PLLC

By: Joseph R. Larsen  
Joseph R. Larsen

cc: M.L. Calcote, Assistant General Counsel, DPS  
Matthew J. McPhillips, Chief Division Counsel, FBI  
Justin Gordon, Chief, Attorney General Open Records Division  
Ann Hartley, Counsel, DPS



U.S. Department of Justice  
Federal Bureau of Investigation

In Reply, Please Refer to  
File No.

San Antonio Division  
5740 University Heights Boulevard  
San Antonio, Texas 78249  
May 13, 2020

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

RE: **Public Information Request: Communications Regarding Natin "Nate" Paul, World Class Holdings, World Class Capital Group, and [REDACTED] (PIR #20-0983).**

Dear Sir or Madame:

The San Antonio Division of the Federal Bureau of Investigation (FBI) has been advised of an open records request submitted to the Texas Department of Public Safety (DPS). Records responsive to that request includes records involving the FBI. We are in receipt of a letter dated May 5, 2020 from DPS formally notifying us about the open record request referenced above.

The FBI asserts that all records responsive to the request should be excepted from required public disclosure under Chapter 552 of the Texas Government Code. In compliance with section 552.108 of the Government Code (*Exception: Certain Law Enforcement, Corrections, and Prosecutorial Information*), the FBI requests an Attorney General decision and provides the following information for your review and consideration.

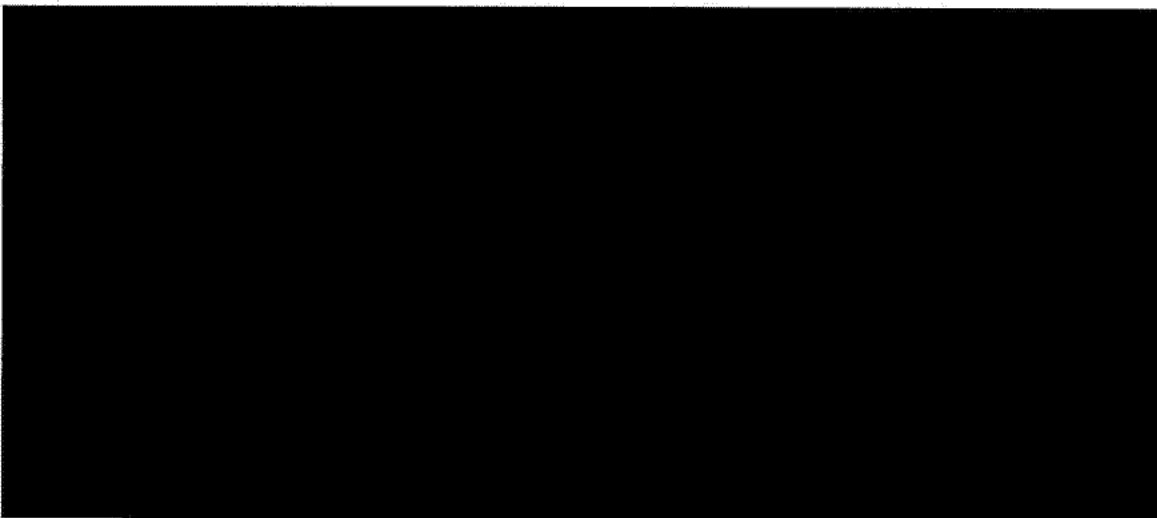
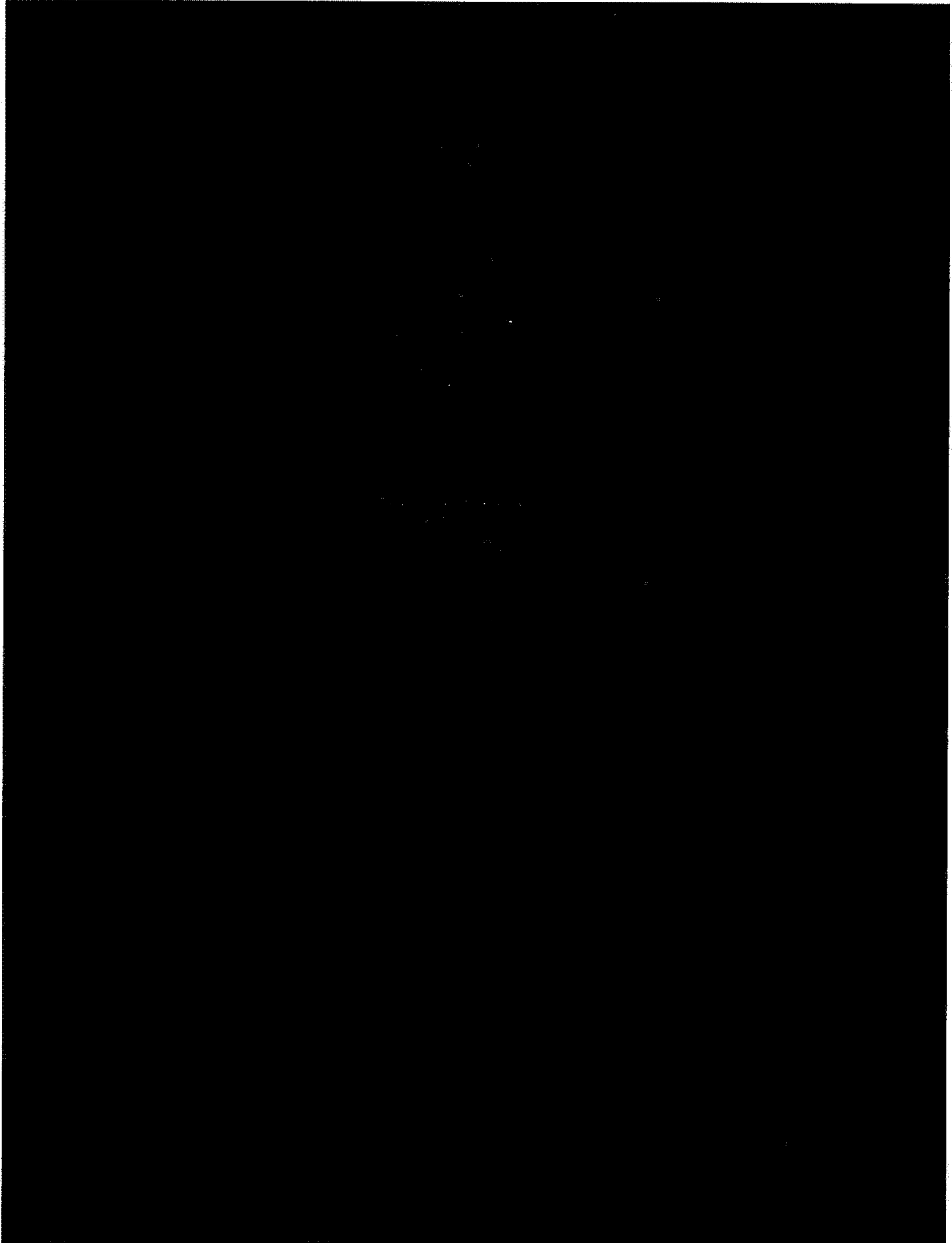
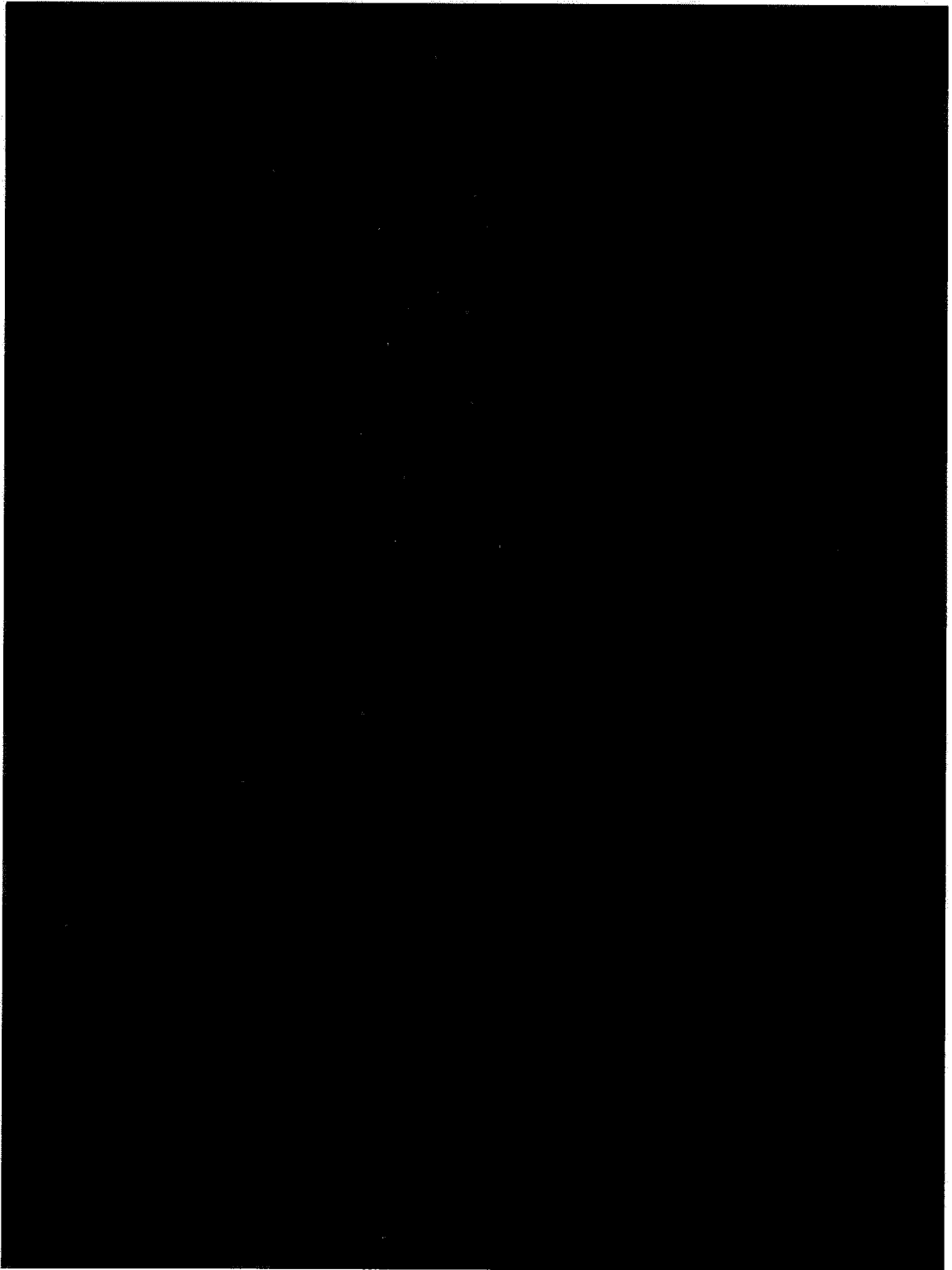
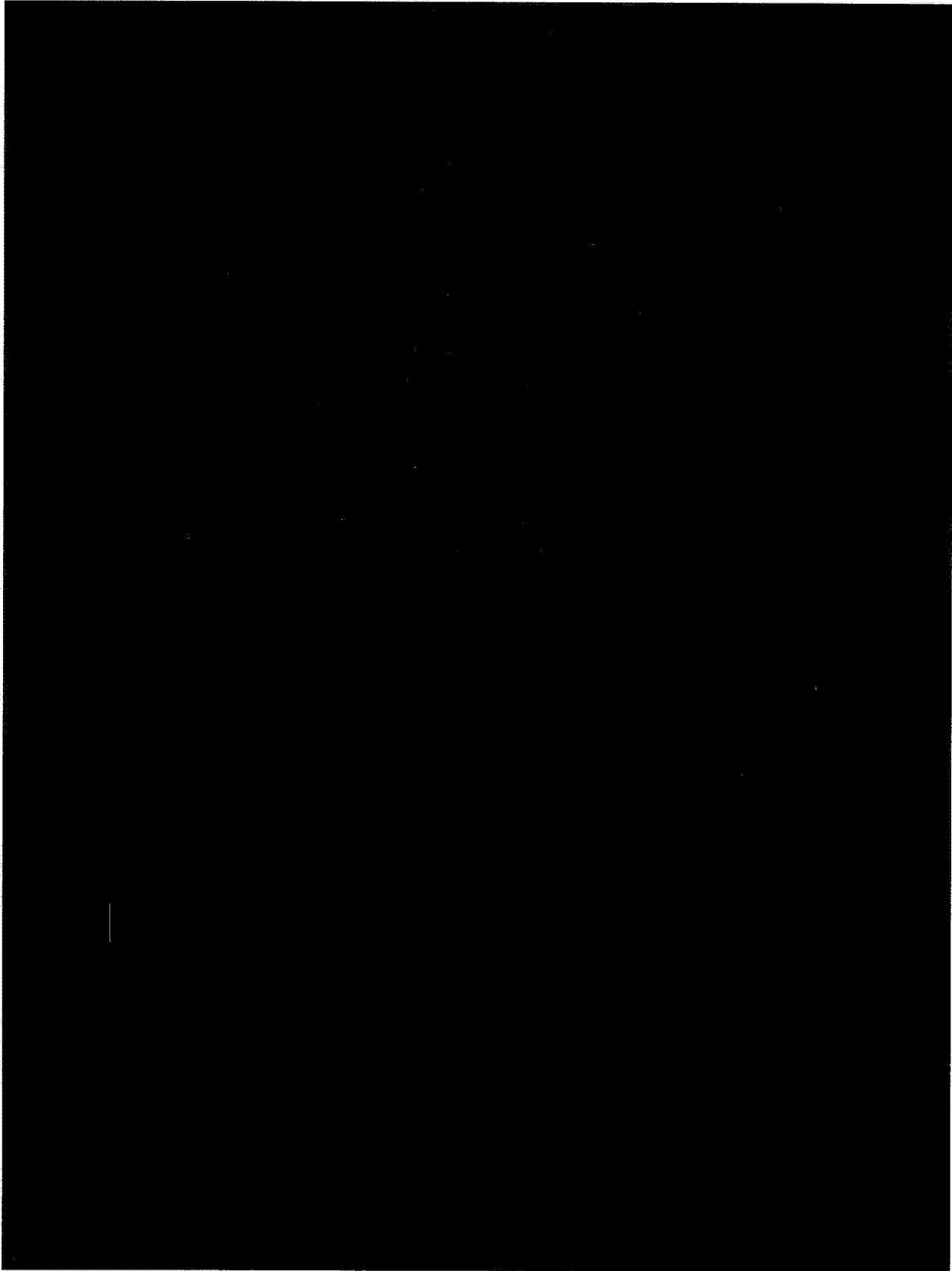


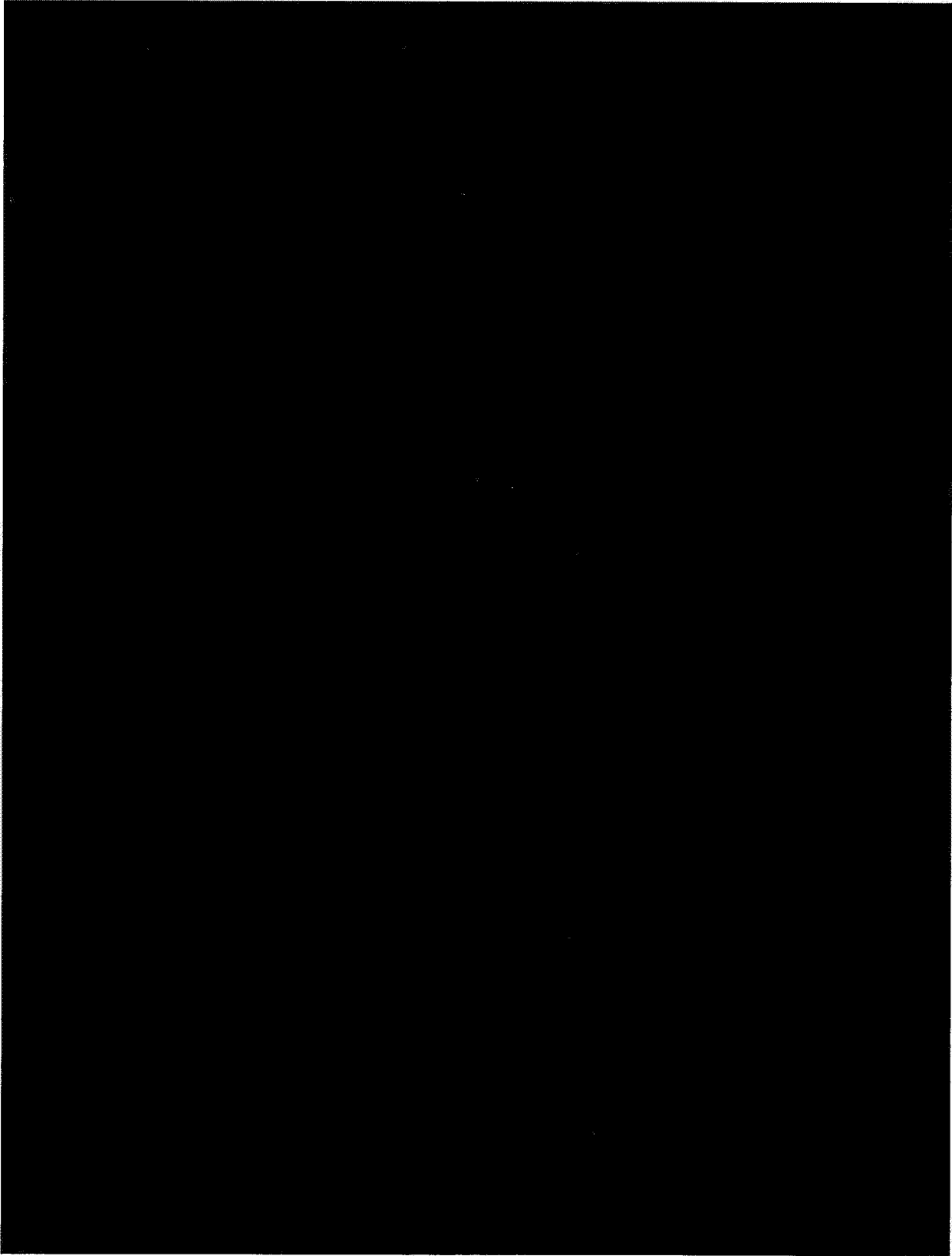
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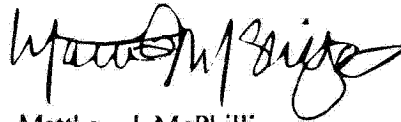




[REDACTED] In conclusion, the FBI requests an Attorney General decision in favor of not disclosing any FBI information in the responsive records concerning this open record request.

Thank you for your time and attention to this request. I may be contacted at (210) 650-6115 or [mjmcphillips@fbi.gov](mailto:mjmcphillips@fbi.gov) if you have any questions or require additional information.

Sincerely,



Matthew J. McPhillips  
Chief Division Counsel

cc: Ms. Mary Calcote  
Assistant General Counsel, Texas Department of Public Safety  
[mary.calcote@dps.texas.gov](mailto:mary.calcote@dps.texas.gov)  
*Via e-mail*

Mr. Joseph Larsen (Redacted)  
Gregor Wynne Arney PLLC  
[jlarsen@gcfirm.com](mailto:jlarsen@gcfirm.com)  
*Via e-mail*

# TEXAS DEPARTMENT OF PUBLIC SAFETY

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STEVEN C. McCRAW  
DIRECTOR  
FREEMAN F. MARTIN  
RANDALL B. PRINCE  
JEFF WILLIAMS  
DEPUTY DIRECTORS



COMMISSION  
STEVEN P. MACH, CHAIRMAN  
NELDA L. BLAIR  
STEVE H. STODGHILL  
DALE WAINWRIGHT

May 5, 2020

*Via Email*

Matthew J. McPhillips – via email only  
Chief Division Counsel – FBI  
[mjmcphillips@fbi.gov](mailto:mjmcphillips@fbi.gov)

RE: Public Information Request for communications regarding Natin “Nate” Paul, World Class Holdings, World Class Capital Group and those regarding [REDACTED] (PIR # 20-0983)

Mr. McPhillips:

The Department of Public Safety has received a formal request from Joseph Larsen for the records referenced above. A copy of the request for information and the Department’s brief to the Office of the Attorney General is enclosed. The requested files include records we received from you or from your entity. The Office of the Attorney General is reviewing this matter, and they will issue a decision on whether Texas law requires us to release your records. Generally, the Public Information Act (the “Act”) requires the release of requested information, but there are exceptions. As described below, you have the right to object to the release of your records by submitting written arguments to the attorney general that one or more exceptions apply to your records. 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 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.**

If you submit arguments to the attorney general, you must:

- a) identify the legal exceptions that apply,
- b) identify the specific parts of each document that are covered by each exception, and
- c) explain why each exception applies. Gov’t Code §552.305(d).

A claim that an exception applies without further explanation will not suffice. (Attorney General Opinion H-436). You may contact this office to review the information at issue in order to make your arguments. We will provide the attorney general with a copy of the request for information and a copy

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**EXHIBIT B**

of the requested information, along with other material required by the Act. The attorney general is generally required to issue a decision within 45 working days.

Please send your written comments to the Office of the Attorney General at the following address:

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

**In addition, you are required to provide the requestor with a copy of your communication to the Office of the Attorney General.** Gov't Code §552.305(e). You may redact the requestor's copy of your communication to the extent it contains the substance of the requested information. Gov't Code §552.305(e).

### **Commonly Raised Exceptions**

In order for a governmental body to withhold requested information, specific tests or factors for the applicability of a claimed exception must be met. Failure to meet these tests may result in the release of requested information. We have listed the most commonly claimed exceptions in the Government Code concerning proprietary information and the leading cases or decisions discussing them. This listing is not intended to limit any exceptions or statutes you may raise.

#### **Section 552.101: Information Made Confidential by Law**

Open Records Decision No. 652 (1997).

#### **Section 552.103: Information related to litigation involving the state or a political subdivision**

#### **Section 552.108: Information held by a law enforcement agency or prosecutor that deals with the detection, investigation or prosecution of crime**

If you have questions about this notice or release of information under the Act, please refer to the Public Information Handbook published by the Office of the Attorney General, or contact the attorney general's Open Government Hotline at (512) 478-OPEN (6736) or toll-free at (877) 673-6839 (877-OPEN TEX). To obtain copies of the *Public Information Handbook* or Attorney General Opinions, including those listed above, please visit the attorney general's website at <http://www.texasattorneygeneral.gov>.

Sincerely,

*ML Calcote*

ML Calcote  
Assistant General Counsel  
Office of General Counsel

Enclosures

cc: Office of the Attorney General – via US mail  
Open Records Division  
P.O. Box 12548  
Austin, Texas 78711-2548

Joseph Larsen – via email only  
Gregor Wynne Arney PLLC  
[jlarsen@gcfirm.com](mailto:jlarsen@gcfirm.com)

## **B. Items the Governmental Body Must Submit to the Attorney General**

Subsections 552.301(e) and (e-1) of the Government Code read:

- (e) A governmental body that requests an attorney general decision under Subsection (a) must within a reasonable time but not later than the 15th business day after the date of receiving the written request:**
  - (1) submit to the attorney general:**
    - (A) written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld;**
    - (B) a copy of the written request for information;**
    - (C) a signed statement as to the date on which the written request for information was received by the governmental body or evidence sufficient to establish that date; and**
    - (D) a copy of the specific information requested, or submit representative samples of the information if a voluminous amount of information was requested; and**
  - (2) label that copy of the specific information, or of the representative samples, to indicate which exceptions apply to which parts of the copy.**
- (e-1) A governmental body that submits written comments to the attorney general under Subsection (e)(1)(A) shall send a copy of those comments to the person who requested the information from the governmental body not later than the 15th business day after the date of receiving the written request. If the written comments disclose or contain the substance of the information requested, the copy of the comments provided to the person must be a redacted copy.**

Thus, subsection (e) of section 552.301 requires a governmental body seeking an attorney general decision as to whether it may withhold requested information to submit to the attorney general, no later than the fifteenth business day after receiving the written request, written comments stating why the claimed exceptions apply, a copy of the written request, a signed statement as to the date of its receipt of the request or sufficient evidence of that date, and a copy of the specific information it seeks to withhold, or representative samples thereof, labeled to indicate which exceptions are claimed to apply to which parts of the information. Within fifteen business days, a governmental body must also copy the requestor on those comments, redacting any portion of the comments that contains the substance of the requested information. Governmental bodies are cautioned against redacting more than that which would reveal the substance of the information requested from the comments sent to the requestor. A failure to comply with the requirements of section 552.301 can result in the information being presumed public under section 552.302 of the Government Code.