



THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS

September 1, 2023

Representative Andrew Murr
Texas House of Representatives Board of Managers
Texas Capitol, 1400 Congress Ave.
Austin, TX 78701

Re: Request for documents pursuant to Texas Government Code sections 301.020(b) and 301.028(b)

Dear Chairman Murr:

I am in receipt of your request for documents pursuant to Texas Government Code sections 301.020(b) and 301.028(b).

Although your letter purports to make this request on behalf of the House Board of Impeachment Managers, the legal authority you cite pertains only to the House General Investigating Committee's authority to request documents from state agencies. Notably, documents produced subject to such a request are "confidential and not subject to public disclosure except as provided by the rules of the house establishing the committee." Tex. Gov't Code § 301.020(e). Further, the House Impeachment Board of Managers' sole apparent authority to require the production of documents in relation to ongoing impeachment proceedings is your ability to issue a subpoena as outlined by Rule 6 of the Senate Rules and Procedures for Court of Impeachment.

Notwithstanding this lack of clarity, the OAG is providing you with responsive documents subject to the confidentiality provision set forth in the statutes you have relied on for your authority to make your request. *See* Tex. Gov't Code § 301.020(e). However, the OAG is withholding two documents that are responsive to your request but are privileged as attorney-client communications and attorney work product. As a courtesy, I can represent that the withheld documents are an earlier draft of the communication Provisional Attorney General John Scott sent in response to the inquiries from counsel for Mark Penley, Jeff Mateer, and Brandon Cammack and an associated email from General Counsel Austin Kinghorn to Provisional Attorney General Scott that included the draft as an attachment.

Sincerely,

A handwritten signature in blue ink that reads "Austin Kinghorn".

Austin Kinghorn
General Counsel