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April 8, 2026

**VIA CMRRR: 9589 0710 5270 0492 4798 00**

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

RE: [REDACTED]'s Public Information Act request to the Colorado County Auditor by email on April 2, 2026, and received April 6, 2026, regarding liability insurance coverage

Dear General Paxton:

On April 6, 2026, the Colorado County Auditor received a request pursuant to the Public Information Act (the Act) in the Notice and Demand and was dated April 2, 2026, which attached a previous request submitted to the Office of the County Judge. This request asked for “[a]ll records related to Colorado County's liability insurance coverage, including but not limited to: 1. The declarations page(s) for any liability insurance policy or policies currently in effect that would provide coverage for claims arising from the conduct of Colorado County employees, including but not limited to law enforcement liability, public officials liability, general liability, and/or excess/umbrella liability. 2. The policy limits (per occurrence and aggregate) for each such policy. 3. The name of the insurance carrier(s) and policy number(s). 4. The effective dates and expiration dates of each policy. 5. Any self-insured retention or deductible amounts. 6. If the County participates in a risk pool (such as the Texas Association of Counties Risk Management Pool), the declarations page, coverage limits, and membership agreement for such coverage. 7. Any certificates of insurance reflecting the above coverage.”

The requested information set forth in the request may be exempt from public disclosure and required to be withheld under the following exceptions of the Texas Public Information Act:

Texas Government Code § 552.104	Information related to Competition or Bidding;
Texas Government Code § 552.110	Confidentiality of Trade Secrets; Confidentiality of Certain Commercial and Financial Information;
Texas Government Code § 552.1101	Confidentiality of Proprietary Information; and
Texas Government Code § 552.1391	Confidentiality of Cybersecurity Measures.

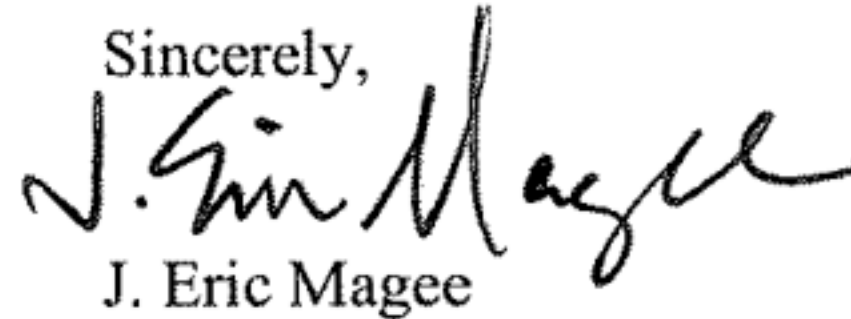
April 8, 2026

Page | 2

The Colorado County Auditor hereby requests an attorney general decision and will submit written comments stating the reasons for withholding the requested information along with the requested information on or before the 15th business day after the date of receipt of the request, pursuant to section 552.301(e) of the Texas Government Code. The Colorado County Auditor's Office has also notified all vendors included in the responsive documents of this request so that they may submit their own briefing related to any confidentiality arguments, as allowed by the Public Information Act. *See* Tex. Gov't Code § 552.305.

Your time and attention to this matter are appreciated.

Sincerely,

A handwritten signature in black ink that reads "J. Eric Magee". The signature is written in a cursive style with a large, sweeping "M" and "G".

J. Eric Magee

JEM/jm

Enclosures

cc: [REDACTED], requestor

Harold "Wayne" [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

April 2, 2026

**VIA EMAIL**

The Honorable Ty Prause  
Colorado County Judge  
400 Spring Street, Suite 102  
[REDACTED]

ty.prause@co.colorado.tx.us

**RE: NOTICE OF STATUTORY VIOLATION AND DEMAND FOR IMMEDIATE PRODUCTION — Public Information Request Dated March 9, 2026 (Insurance Coverage Records)**

Dear Judge Prause:

On March 9, 2026, I submitted a Public Information Act request to Colorado County pursuant to Texas Government Code Chapter 552, requesting records related to the County's liability insurance coverage. A copy of that request is attached hereto as Exhibit A.

**The statutory deadline has passed without any response.** Under Tex. Gov. Code § 552.228, a governmental body must respond to a public information request no later than ten (10) business days after receiving it. The ten-business-day deadline for my March 9 request expired on March 24, 2026. As of today, April 2, 2026 — seven business days past that deadline — Colorado County has neither produced the requested records nor provided written notice that it intends to seek an Attorney General ruling.

**The County has waived the right to withhold these records.** Under Tex. Gov. Code § 552.302, if a governmental body fails to request an Attorney General ruling within the time prescribed by § 552.301, the information is presumed to be public and must be released. Because Colorado County did not seek an AG ruling on or before March 24, 2026, it has forfeited any right to withhold the requested insurance records on any grounds. The presumption of public access is now conclusive.

**The requested information is independently public.** Even absent the waiver, insurance policy information for governmental entities is not exempt from disclosure under the Texas Public Information Act. The Attorney General has consistently held that insurance policies, declarations pages, and coverage limits constitute public information. See Tex. Att'y Gen. Open Records Letter No. 96-0593 (1996); Tex. Att'y Gen. ORD-584 (1991). No statutory exception applies to this category of records.

**Demand for Immediate Production.** You are hereby directed to produce all records responsive to my March 9, 2026 request no later than five (5) business days from the date of this letter — by April 9, 2026. Continued withholding of these records following this notice will be treated as a knowing violation of the Texas Public Information Act, subject to the remedies available under Tex. Gov. Code §§ 552.321 and 552.353, including mandamus relief and referral to the Attorney General for enforcement.

Please govern yourself accordingly.

Respectfully,

Harold "Wayne" [REDACTED]  
[REDACTED], [REDACTED]  
[REDACTED] || [REDACTED]

**CC:** J. Eric Magee, Allison, Bass & Magee, L.L.P., e.magee@allison-bass.com  
Michelle Lowrance, Colorado County Auditor, michelle.lowrance@co.colorado.tx.us  
Joyce Guthmann, Colorado County Treasurer, joyce.guthmann@co.colorado.tx.us  
Kimberly Menke, Colorado County Clerk, countyclerk@co.colorado.tx.us

**Enclosure:** Exhibit A — Public Information Request dated March 9, 2026

Harold "Wayne" [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

March 9, 2026

**VIA EMAIL**

Colorado County Judge  
Attn: Public Information Officer  
400 Spring Street, Suite 100  
[REDACTED]

**RE: PUBLIC INFORMATION REQUEST PURSUANT TO TEXAS GOVERNMENT  
CODE CHAPTER 552**

Dear Public Information Officer:

Pursuant to the Texas Public Information Act, Texas Government Code Chapter 552, I am requesting copies of the following public records:

**RECORDS REQUESTED**

All records related to Colorado County's liability insurance coverage, including but not limited to:

1. The declarations page(s) for any liability insurance policy or policies currently in effect that would provide coverage for claims arising from the conduct of Colorado County employees, including but not limited to law enforcement liability, public officials liability, general liability, and/or excess/umbrella liability.
2. The policy limits (per occurrence and aggregate) for each such policy.
3. The name of the insurance carrier(s) and policy number(s).
4. The effective dates and expiration dates of each policy.
5. Any self-insured retention or deductible amounts.
6. If the County participates in a risk pool (such as the Texas Association of Counties Risk Management Pool), the declarations page, coverage limits, and membership agreement for such coverage.
7. Any certificates of insurance reflecting the above coverage.

## **LEGAL BASIS FOR DISCLOSURE**

Insurance policy information for governmental entities is public information under Texas law. The Attorney General has consistently held that insurance policies, declarations pages, and policy limits are not exempt from disclosure. *See, e.g.*, Tex. Att'y Gen. Open Records Letter No. 96-0593 (1996); Tex. Att'y Gen. ORD-584 (1991).

Insurance coverage information is routinely disclosed in litigation and is not protected by any privilege. The public has a legitimate interest in knowing whether and to what extent its government is insured against liability claims, as this information affects both the County's fiscal management and the ability of injured parties to recover compensation.

## **STATUTORY REQUIREMENTS**

As you are aware, the Texas Public Information Act requires that you respond to this request promptly, and in no event later than ten (10) business days after receiving this request. If you intend to withhold any responsive records, you must seek an Attorney General ruling within that time period and must provide me with written notice as required by § 552.301.

I am willing to pay reasonable copying costs. If the cost will exceed \$40.00, please contact me with an estimate before proceeding.

Please contact me if you have any questions regarding this request. I look forward to your prompt response.

Sincerely,

/s/ [REDACTED]  
Harold "Wayne" [REDACTED]