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April 7, 2026

VIA CMRRR: 9589 0710 5270 0492 4798 17

Texas Association of Counties
Attn: Mike Thompson, Jr.
Associate General Counsel
Legal Services
1210 San Antonio Street
Austin, TX 78701

RE: ██████████'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 Mr. Thompson:

We have received a formal request to inspect or copy some of our files. A copy of the request for information is enclosed. The requested files include records we received from you or from your company. 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 (1974). 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 of the requested information, along with other material required by the Act. The attorney general is generally required to issue a decision within 45 business 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

If you wish to submit your written comments electronically, you may only do so via the Office of the Attorney General's eFiling System. An administrative convenience charge will be assessed for use of the eFiling System. No other method of electronic submission is available. Please visit the attorney general's website at <http://www.texasattorneygeneral.gov> for more information.

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). You may provide a copy of your communication to the governmental body who received the request and sent the notice.

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 552.110: Confidentiality of Trade Secrets and Commercial or Financial Information

Trade Secrets

Commercial or Financial Information:

Birnbaum v. Alliance of Am. Insurers, 994 S.W.2d 766 (Tex. App.—Austin 1999, pet. filed) (construing previous version of section 552.110), *abrogated by In re Bass*, 113 S.W.3d 735 (Tex. 2003).

Open Records Decision No. 639 (1996).

Open Records Decision No. 661 (1999).

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Section 552.1101: Confidentiality of Proprietary Information

Section 552.113: Confidentiality of Geological or Geophysical Information

Open Records Decision No. 627 (1994).

Section 552.131: Confidentiality of Certain Economic Development Negotiation Information

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 access 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,



J. Eric Magee

Attorney for Colorado County Auditor's Office

JEM/jm

Enclosures

cc: [REDACTED], requestor

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

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]
wayne.[REDACTED]@gmail.com

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]