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April 9, 2026

VIA EMAIL

Ms. Michelle Lowrance
Colorado County Auditor
400 Spring Street
Columbus, TX 78934

michelle.lowrance@co.colorado.tx.us

RE: Direct Notice to Colorado County Auditor — Public Information Request for Liability Insurance Coverage Records

Dear Ms. Lowrance:

I am writing to you directly, separate from the Attorney General proceeding currently pending on your office’s referral, because I want to make sure you personally understand the situation you are in and the choices available to you.

The records I have requested — Colorado County’s liability insurance coverage information — are public information. The Attorney General has held consistently, for decades, that insurance policies, declarations pages, and coverage limits for governmental entities are not exempt from disclosure. See Tex. Att’y Gen. ORD-584 (1991); Open Records Letter No. 96-0593 (1996). The four exceptions your outside counsel has asserted — §§ 552.104, 552.110, 552.1101, and 552.1391 — do not apply to these records. When the AG rules, and the ruling will almost certainly require disclosure, you will be required to produce the records at that point regardless.

What you may not fully appreciate is that these records are already owed to me on a separate and independent basis. I submitted this same request to County Judge Ty Prause on March 9, 2026. His office failed to seek an Attorney General ruling within the statutory ten-business-day deadline. Under Tex. Gov. Code § 552.302, that failure is a conclusive statutory waiver. The records are presumed public and must be released. Your office’s separate AG referral does not cure that waiver and does not change what the County already owes me.

I also want to be clear about something that may not have been explained to you fully. As the officer for public information for the County Auditor's Office, your statutory duty under Tex. Gov. Code §§ 552.201 and 552.203 is yours alone. That duty does not belong to outside counsel, and it cannot be delegated or transferred to Mr. Magee. Outside counsel can advise you, but he cannot carry your legal exposure. You have the independent authority — and the independent obligation — to produce records you know to be public, regardless of what litigation posture the County has chosen to take. The decision to produce or withhold is yours to make.

I want to be direct with you about the personal dimension of this. Under Tex. Gov. Code § 552.353, an officer for public information who, with criminal negligence, fails or refuses to provide access to public information commits a Class B misdemeanor. That exposure is personal — it attaches to the officer, not just the county. Outside counsel's involvement does not eliminate that risk. If the AG rules for disclosure and the records are still not produced, the consequences fall on you as the officer for public information for your office.

Producing these records now, before the AG rules, is the cleanest outcome available to you. The records will come out. The only question is whether they come out voluntarily — which reflects well on your office — or through an enforcement proceeding that creates a public record of non-compliance attached to your name and tenure.

I am asking you to take a hard look at the advice you are receiving and make an independent judgment about whether this fight is worth it. The law is not on the County's side on this one. Produce the records, and this matter is resolved.

Respectfully,

/s/ Wayne McKnight
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CC: J. Eric Magee, Allison, Bass & Magee, L.L.P., e.magee@allison-bass.com