

Harold “Wayne” [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

April 7, 2026

VIA EMAIL

J. Eric Magee
Allison, Bass & Magee, L.L.P.
1301 Nueces Street, Suite 201
Austin, Texas 78701
e.magee@allison-bass.com

RE: Response to “No Responsive Documents” Claims; Public Information Request Dated March 9, 2026 (Insurance Coverage Records)

Dear Mr. Magee:

I am in receipt of your two letters dated April 7, 2026, issued on behalf of the Colorado County Treasurer and the Colorado County Judge, respectively. Both letters claim that these offices possess “no information responsive” to my Public Information Act (TPIA) request of March 9, 2026, concerning the County’s liability insurance coverage.

The assertion that the Office of the County Judge possesses no records whatsoever related to the County’s liability insurance is not credible. As an elected county officer, Judge Prause is the officer for public information and the custodian of records created or received by his office by operation of Tex. Gov. Code § 552.201(b). In that capacity, as the chief budget officer for Colorado County and the presiding officer of the Commissioners Court—the very body that authorizes the expenditure for and procurement of such insurance—it is implausible that Judge Prause’s office holds no policies, declarations pages, certificates, or even basic correspondence identifying the County’s insurance carrier and coverage limits.

Your correspondence attempts to reframe the timeline by suggesting new, separate requests were initiated on April 2, 2026. This is incorrect. The controlling date for the request to Colorado County as a governmental body is March 9, 2026. The statutory ten-business-day deadline for a response expired on March 24, 2026. Pursuant to Texas Government Code § 552.302, because the County failed to seek an Attorney General ruling by that deadline, it has waived any and all rights to withhold these records, and the information is presumed public.

Furthermore, a “no responsive documents” claim, without more, constitutes a failure to comply with the County’s duty of good faith under the Act. Open Records Decision No. 87 (1975) establishes that the Open Records Act imposes an obligation on a governmental body to make a good faith effort to relate a request to information held by it, and when specific information is identified, to take all reasonable steps to promptly produce it. Where a governmental body cannot identify responsive records, good faith requires that it advise the requestor of the types of documents available or direct the requestor to the proper custodian. See also Open Records Decision No. 561 (1990) (reaffirming the good faith effort requirement). A bare denial without any such assistance is an insufficient response under the Act.

Therefore, I demand that Judge Prause, as officer for public information for his office under § 552.201(b), immediately identify which specific county office or official is the custodian of the requested liability insurance records.

Please be advised that the continued failure to produce these public records, which are now conclusively presumed to be public due to waiver, will be treated as a knowing violation of the TPIA. If the records are not produced, and if Judge Prause’s office fails to identify the proper custodian, I will proceed with filing a suit for a writ of mandamus under § 552.321 and will refer this matter to the Attorney General’s office for enforcement action.

I expect a substantive response identifying the custodian of these records without delay.

Respectfully,

/s/ [REDACTED]
Harold “Wayne” [REDACTED]
[REDACTED], [REDACTED]
[REDACTED] | [REDACTED]

cc: The Honorable Ty Prause, Colorado County Judge (ty.prause@co.colorado.tx.us)