



February 2, 2022

Via Email: tony.pilkington@breckenridgetexan.com

Tony Pilkington

RE: Public Information Request Response; Tony Pilkington (1.21.22)
ORR ID: BR012122TP

Dear Mr. Pilkington:

This letter is in response to your public information request received by the City of Breckenridge ("City") on January 21, 2022, in which you requested the complaint filed by Kathy O'Shields concerning the lack of care and starvation of animals in the Animal Shelter.

The City believes that the information responsive to your request is excepted from disclosure under the Texas Public Information Act. The City has requested an open records decision from the Attorney General regarding whether the information is subject to public release.

We and/or the Attorney General will notify you once a decision from the Attorney General has been issued. A copy of our request for a decision is enclosed. We will forward any subsequent written communications that we have with the Office of the Attorney General regarding our request. Please be advised that the Attorney General has forty-five business days to issue a ruling on your request.

Very truly yours,
MESSER, FORT & MCDONALD, PLLC

TESSA K. MEREDITH
ASSISTANT CITY ATTORNEY

TM/LS
Enclosures

cc: Erika McComis
City Manager
City of Breckenridge



February 2, 2022

Via OAG Portal

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

Re: Determination of availability of information requested under the Public Information Act by Tony Pilkington (1.21.22) ORR ID: BR012122TP

Dear Sir/Madam:

The City of Breckenridge (“City”) received a request for information (“Request”) under the Public Information Act (“Act”) from Tony Pilkington (“Requestor”). A copy of the Request was received by the City on January 21, 2022, and is attached as ***Exhibit 1***. The Requestor seeks the complaint filed by Kathy O'Shields concerning the lack of care and starvation of animals in the Animal Shelter.

Section 552.301(b) of the Texas Government Code prescribes that a written request for an Attorney General’s ruling must be made within ten (10) business days after the date the governmental body receives the written request for information. Accordingly, this request for a ruling made on February 2, 2022 is timely and made in accordance with section 552.301(b). The City may send additional written comments within the next 5 business days in accordance with section 552.301(e)(1)(A).

Further, in compliance with section 552.303 of the Texas Government Code, copies of the records responsive to the Request are being produced to your office with this request for a determination. The requested record the City claims to be exempt from public disclosure are marked as ***Exhibit 2***. Pursuant to section 552.301(d) of the Texas Government Code, a copy of this letter is being given to the Requestor without exhibits.

Brief of Law in Support of Exception

Law Enforcement Exception Under § 552.108(a)(1) and (b)(1)

The City contends that certain information in the requested record is exempt from disclosure under Texas Government Code, section 552.108, also known as the law enforcement exception. Section 552.108(a)(1) provides as follows:

Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements

of section 552.021 if release of the information would interfere with the detection, investigation, or prosecution of crime.

Further, Section 552.108(b)(1) provides:

An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of section 552.021 if the release of the internal record or notation would interfere with law enforcement or prosecution.

The requested document or record contains information pertaining to a pending police investigation and prosecution by the Stephens County District Attorney's Office. The City contends that the release of such information while the investigation and prosecution are pending would unduly interfere with law enforcement. The City argues that investigative strategies may be revealed, witnesses may be unwilling to speak for fear of retaliation, and confidential information may be revealed, if the requested records are disclosed. Therefore, the City requests a determination that *Exhibit 2* is exempt from public disclosure.

In summary, the City contends that based upon the authorities cited above, all of the requested records and information which have been produced to your office for inspection in *Exhibit 2*, are excepted from disclosure. Thank you for your consideration in this matter.

Very truly yours,
MESSER, FORT & MCDONALD, PLLC



TESSA K. MEREDITH
ASSISTANT CITY ATTORNEY

TM/LS

Enclosures: Exhibit 1 – Request
Exhibit 2 – Excepted Information

cc: Tony Pilkington (without exhibits) [Via Email: tony.pilkington@breckenridgetexan.com](mailto:tony.pilkington@breckenridgetexan.com)

Erika McComis
City Manager
City of Breckenridge