



TABC

TEXAS ALCOHOLIC BEVERAGE COMMISSION

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1.	2.	José Cuevas, Jr. <i>Presiding Officer-Midland</i>	<i>Member-Colleyville</i>	3.	Steven M. Weinberg, MD, JD	<i>Member-San Antonio</i>	4.	Ida Clement Steen	Sherry Cook <i>Executive Director</i>
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TABC ref: 991590350

August 15, 2016

Dallas Police Department
Public Information Coordinator
Open Records Unit.
1400 South Lamar Street, 1st Floor.
Dallas, Texas 75215.

Via CMRRR 7016 0600 0000 4545 5844

RE: Open Records Request – Dallas shooting incident of 7/23/2016

To whom it may concern – open records division:

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 provided to you in the course of opening an investigation of a shooting incident taking place at the intersection of Beltline and Preston Road at 1:30 on July 23, 2016. Two (2) TABC agents were witnesses to the shooting incident and provided their information to the Dallas Police Department. Since this investigation was not instituted by the TABC it cannot avail itself of many of the law enforcement or pending litigation exceptions available to the Dallas Police Department as the agency having sole jurisdiction; as no concurrent investigation was initiated by the TABC. Copies of the records in question are being furnished to you with this letter. TABC is submitting this information to the Texas Attorney General for its review of the information presently held by TABC. The Office of the Attorney General will review this matter, and will issue a decision on whether Texas law requires TABC to release these 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 these records by submitting written arguments to the attorney general that one or more exceptions apply to these 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 these records from disclosure. In other words, if you fail to take timely action, the attorney general will more than likely rule that the records held by TABC must be released to the public. If you decide to submit arguments, **you must do so not later than the tenth 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). 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).

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,

Charles Wallace
Office of the General Counsel
Texas Alcoholic Beverage Commission

Enclosures
Public Information Request
Documents to be reviewed by Attorney General

cc: Requestor: Ty Clevenger
21 Bennett Avenue #62
New York, New York 10033
w/o enclosures

The Honorable Ken Paxton
Office of the Attorney General
Open Records Division
209 West 14th Street, 6th Floor
Austin, Texas 78701