



February 11, 2013

Harold Barker  
9191 Garland Road, # 1126  
Dallas, Texas 75218  
hbarker\_2011@yahoo.com

Re: Request for an Open Records Decision

Dear Mr. Barker:

This letter responds to your open records request received by the city of Dallas ("city") on February 4, 2013 for information pertaining to the city's contract with Desman, Inc. The city is gathering the requested information and it is anticipated that some of the requested information will be exempt from mandatory disclosure. The requested documents (or a representative sample if voluminous) will be sent to the Attorney General for an open records decision regarding their release by February 26, 2013, as required by Section 552.301(b) of the Public Information Act. A copy of the letter to the Attorney General is enclosed for your information.

If you have any questions regarding this matter please contact me or Assistant City Attorney Heather Silver at 214-670-3519.

Sincerely,

A handwritten signature in black ink, appearing to read 'Warren M. S. Ernst'.

WARREN M. S. ERNST  
Chief of the General Counsel Division

Attachments

c: Thomas P. Perkins, Jr., City Attorney  
Heather Silver, Assistant City Attorney  
Carolyn Brescia, Park and Recreation Department  
Jeri Carter, Public Information Office



February 11, 2013

Honorable Greg Abbott  
Attorney General of Texas  
300 W. 15th Street  
Clements Building, 12th Floor  
P.O. Box 12548  
Austin, Texas 78711

Re: Request for an Open Records Decision

Dear Mr. Attorney General Abbott:

By email (Exhibit A) received by the city of Dallas ("city") on February 4, 2013, Harold Barker requested information pertaining to the city's contract with Desman, Inc.

The city is gathering the requested information and it is anticipated that some of the requested information will be exempt from mandatory disclosure under the Public Information Act, Chapter 552, Texas Government Code (the "Act"). The City Attorney's Office is responsible for representing the legal interests of the city and since we have not been able to review all the requested information, we would assert that certain information contained in Mr. Barker's request may be protected from disclosure under Sections 552.101 through 552.153 of the Act, in particular Sections 552.107 and 552.111 of the Act. Under Section 552.301 of the Act, this office now seeks your determination about whether this information is exempt from disclosure.

City offices will be closed on February 18, 2013 for Presidents' Day. Our comments stating the reasons why the Act exempts the requested information from disclosure, and copies of the requested information (or samples if voluminous), will be sent to your office by February 26, 2013, as required by Section 552.301(e) of the Act.

If you have any questions regarding this request for an open records decision please contact me or Assistant City Attorney Heather Silver at 214-670-3519.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Warren M. S. Ernst'.

WARREN M. S. ERNST  
Chief of the General Counsel Division

Attachments

February 11, 2013  
Honorable Greg Abbott  
Page 2

c: Thomas P. Perkins, Jr., City Attorney  
Heather Silver, Assistant City Attorney  
Carolyn Brescia, Park and Recreation Department  
Jeri Carter, Public Information Office

Harold Barker  
9191 Garland Road, # 1126  
Dallas, Texas 75218  
hbarker\_2011@yahoo.com

# “EXHIBIT A”

**From:** Hal Barker [[mailto:hbarker\\_2011@yahoo.com](mailto:hbarker_2011@yahoo.com)]

**Sent:** Monday, February 04, 2013 7:02 AM

**To:** Brescia, Carolyn

**Cc:** Carter Lawson, Jeri

**Subject:** Open Records Request - Arboretum Parking Study Desman Associates

Dear Ms. Brescia, .

This is a request under the Texas Public Information Act for copies of the following records.

This request refers to the Consultant Contract Resolution 12-1976, with Desman, Inc, dba Desman Associates, Inc, a study conducted on Arboretum Parking, executed on or about August 8, 2012.

1. All documents and communications between the City of Dallas and Desman Associates, relating to the above contract.
2. All documents used in the preparation of the contract report and conclusions along with any records provided to any third party such as a bond underwriting company or agency.

Note:

"Section 8, Ownership of Documents, states "all deliverable prepared or assembled by Consultant under this Contract, and any other related documents or items shall become the sole property of the City and shall be delivered to City, without restriction to further use."

3. Please provide copies of all documents noted in Section 8, Ownership of Documents.

I also note the specifications for time period under Section 4, Term, is forty-two (42) working days, and this date has apparently passed quite some time ago.

4. Please provide me with any documents relating to an extension of the contract.
5. Copies of the payments made to Desman Associates, including final payments for completion of contract.

If the cost exceeds \$100, please let me know.

Hal Barker

Harold Barker  
9191 Garland Road 1126  
Dallas, TX

[hbarker\\_2011@yahoo.com](mailto:hbarker_2011@yahoo.com)