

Kurt Johnson

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NOTICE OF VIOLATION

December 2, 2009

Ms. Caroline E. Cho
Assistant County Attorney
405 Martin Luther King St., Suite 240
Georgetown TX 78626

Ms. Cho,

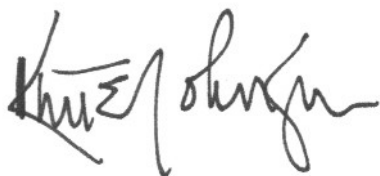
On August 11, 2009, I sent Williamson County on Open Records Request and requested certain information related to the county-owned landfill north of Hutto.

On September 1, 2009, after expiration of the ten-business-day period within which you should have responded, you sent a letter to Waste Management of Texas (WMI) which notified WMI of the request along with a letter to the Attorney General of Texas pertaining to the third-party objection to the release of the information. **At this point, Williamson County violated the Texas Public Information Act, having been in possession of the information without objection during the 10-business-day response period.**

After WMI sent its written objection to the Attorney General on September 16, and after I sent a brief to the Attorney General contesting WMI's objection on September 28, the Open Records Division of the Attorney General's Office issued an opinion on November 6 stating that I am entitled to some of the information sought. After the expiration of ten business days subsequent to the issuance of the Attorney General opinion, Williamson County still had not provided the information. **At this point, Williamson County violated the Texas Public Information Act a second time, having been in possession of the information for ten business days after a clear statement was issued by the Attorney General, and with no temporary restraining order or other court action initiated by WMI to keep the county from providing me the information.**

On November 25, I sent a **DEMAND LETTER** to the county stating a deadline of December 1 for the county to provide the information in light of the fact that there was no temporary restraining order or other court action initiated by WMI to warrant further delay. On December 1, I was called by Caroline Cho of the county attorney's office in which she informed me that the county had been in touch with WMI, and that WMI planned to file a lawsuit against the attorney general "on Friday", thus the county would not release the information to me. I vigorously point out that WMI's statement of lawsuit intent is merely a statement without action, thus the county's continuing failure to provide the information to me beyond timely deadlines and without any constraint from a court order or temporary restraining order is a **CONTINUING VIOLATION** of the Texas Public Information Act, and you are thereby so notified.

Sincerely,



Kurt Johnson

c: file