

Attn: Mr. Chris Sterner

ID: SPIR-2016-TX-0012

Office of the Lieutenant Governor

P.O. Box 12068,

Austin, TX. 78711

Chris.Sterner@ltgov.state.tx.us

Sent via: Electronic mail

April 25th, 2016

Re: Open Records Request

Mr. Chris Sterner,

Under the Texas Public Information Act, §6252-17a et seq., I am requesting an opportunity to obtain copies of records that the Office of the Texas Lieutenant Governor has in its possession. I hereby request the following records:

1. All emails from Lieutenant Governor Dan Patrick and members of his staff from their official government email addresses that are in regards to, pertaining to and about the old "mock nativity" display that was located inside the Texas State Capitol building.
2. All emails from Lieutenant Governor Dan Patrick and members of his staff from their non-government email addresses, only in which was used in their official governmental capacity that is in regards to, pertaining to and about the old "mock nativity" display that was located inside the Texas State Capitol building.
3. All received emails and letters that the Office of the Texas Lieutenant Governor has received from the Office of Governor Greg Abbott and from other Texas governmental figures that is in regards to, pertaining to and about the old "mock nativity" display that was located inside the Texas State Capitol building.
4. Letters emails and written complaints that members of the public and members of the government of the State of Texas have sent to the Office of the Texas Lieutenant Governor regarding the "mock nativity display."
5. Personal notes, unedited speeches and unedited communication from Lieutenant Governor Dan Patrick that is in regards to, pertaining to and about the old "mock nativity" display that was located inside the Texas State Capitol building.
6. "Non-attorney client privileged" written emails, letters and other communication between attorneys representing the State of Texas and the Lieutenant Governors Office of the State of Texas that is in regards to, pertaining to and about the old "mock nativity" display that was located inside the Texas State Capitol building.

I am referring to the old "mock nativity" display that was located inside the Texas State Capitol building. Here is a picture of it so that you guys will be able to locate the records regarding the shown "mock nativity" display that was located inside the Texas State Capitol building.



Please note that virtually all of the information that is in a governmental body's physical possession constitutes public information that is subject to the **Act. Id. § 552.022(a)(1)**; see also **Open Records Decision Nos. 549 at 4 (1990), 514 at 1-2 (1988)**. The Act also is applicable to information that a governmental body does not physically possess, if the information is collected, assembled, or maintained for the governmental body, and the governmental body owns the information or has a right of access to it. **Gov't Code § 552.002(a)(2)**; see also **Open Records Decision No. 462 at 4 (1987)**.

I would like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the way that the government operates, the professionalism as to the Lieutenant Governor's Office of the State of Texas, the First Amendment of the Constitution of the United States of America, equal rights under the law and et cetera. Please note that members of the public have a right to monitor the actions of the government.

The Texas Public Information Act requires that you "promptly produce" the requested records unless, within 10 days, you have sought an Attorney General's Opinion. As provided by the Texas Public Information Act, I will expect your response within ten (10) business days. Twenty (20) days if my request requires substantial programming or manipulation of data. **See Tex. Gov't Code Ann. Secs. 552.221(d) and 231(c)**. If you expect a significant delay in responding to this request, please contact me with information about when I might expect copies or the ability to inspect the requested records. You can reach me via email at: iscampaign@usa.com.

If you deny any or all of this request, please provide a written explanation for the denial and cite each specific statutory exemption(s) you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. If your "governmental body" wants to seek the Attorney General's Opinion regarding any of our request, I ask that you immediately notify me and then seek a formal decision from the Texas Attorney General not later than ten (10) calendar days from your receipt of this request, as required by the Texas Public Information Act. **See Sec. 552.301.** I would then ask your governmental body to release to me all of the items in which you have not sought the Attorney General's Opinion on. **See Sec. 552.301, 302; see also Open Records Decision No. 664 (2000)(if a governmental body concludes that no exceptions apply to the requested information, it must release the information as soon as possible).**

As you may already know that violation of the open records law can result in a fine of up to \$1,000, imprisonment of up to six months, or both. **See Tex. Gov't Code Ann. Sec. 552.353(e).** Litigation costs and reasonable attorney fees may also be assessed against you. **See Sec. 552.323.**

I would prefer to receive all of the records by electronic mail. You can reach me at the following email address: iscampaign@usa.com. However if that is not possible please send all of my requested records to the following mailing address:

Isaiah X. Smith
Isaiah Smith Campaign
P.O Box 163411
Fort Worth, Texas, 76161

Respectfully,

Isaiah X. Smith

Isaiah Smith Campaign
P.O Box 163411
Fort Worth, Texas, 76161
www.isaiahxsmith.com