

# DOLCEFINO CONSULTING

January 13, 2017

Texas Attorney General Ken Paxton    VIA CMRRR 70160600000079947026  
P.O. Box 12548  
Austin, Texas 78711-2546

Attention: Open Records Division

On January 13, 2017 the City of Houston sought a legal opinion to keep secret documents the public is fundamentally entitled to see. In addition, the City sought to extend the litigation exception in an ongoing effort to shield the communications of the elected Mayor Sylvester Turner. We call on your office to deny this request, and rebuke the City of Houston for this continued pattern of stalling the release of public information.

The GC Numbers attached to the City request are 24006 and 24002.

On December 20, 2016 Dolcefino Consulting filed multiple requests for information from the City of Houston. The request is attached as EXHIBIT A.

The request seeks a list of investors of White Oak Music Hall. The request also seeks the detailed cell phone records of the Mayor Sylvester Turner.

office 713-360-6911

wayne@dolcefino.com

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Your office has ruled on numerous occasions that the detailed phone records and text messages of public officials relating to the business of their respective government entity are clearly public, regardless of the device.

In recent months, county commissioners in Caldwell County, Colorado County and Waller County were required to provide the detailed records easily available from their vendors, in cases where the entity did not provide the phone directly.

Mr. Turner attempts to defy repeated rulings of your office, without explanation. He should be ordered to release these records immediately. Phone records do not detail the substance of any conversation, only the use of a cell phone to transact public business. It is fundamentally public information.

Perhaps most egregious, is the bizarre, tortured attempt by the City to use litigation between third parties to shield themselves from public disclosure.

The City of Houston is not a party in the lawsuit Cavin et al. Extending the litigation exception to lawsuits where the City is not a party, and has no reasonable basis to demonstrate they will be a future party is inappropriate. On no occasion, has the City of Houston received any written required notice of any intent to sue the City. The fact that a subpoena was issued to the City for documents to be used in third party litigation cannot be the standard for claiming this exception.

Mr. Crawford in his “legal” argument appears to suggest that the right of citizens to appear before City Council to complain about an issue of public concern, provides the City of Houston the twisted ability to claim a legal exception to avoid disclosure of documents. That is absurd. Criticism of the City of Houston enforcement of an

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Ordinance is not a threat to litigate. In fact, quite the contrary. The right of citizens to appear before members of Houston City Council, their elected representatives, is fundamental to the rights of Houstonians.

Mr. Crawford seems to complain that Houston City Hall has become a “forum for citizens alleging misdeeds by WOMH and the City”, How a citizen exercising their first amendment right to speak to their elected officials in a public session constitutes a threat of litigation is absurd.

Finally, let me address this issue relating to the list of investors in White Oak Music Hall.

The City of Houston seeks to withhold a letter detailing a list of investors, and at the same time denies such a list exists. Enclosed is an e-mail exchange between Dolcefino Consulting President Wayne Dolcefino and the Press Secretary of the Mayor the City of Houston.

This request constants the latest in a series of sweeping abuses by the City of Houston of the Texas Public Information Act.

Wayne Dolcefino  
Dolcefino Consulting

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December 20, 2016

Darian Ward  
Mayor's Communications Office  
City Hall  
901 Bagby, 2nd Floor  
Houston, TX 77002

via email: [darian.ward@houstontx.gov](mailto:darian.ward@houstontx.gov)

Dear Ms. Ward,

This will serve as a formal request to inspect and if desired obtain copies of records under provisions of The Public Information Act, Texas Government Code Chapter 552. If the documents are available in an electronic format Dolcefino Consulting authorizes payment for production. You may redact any information made confidential under state law.

Dolcefino Consulting seeks the following:

1. Documents detailing the investors of White Oak Music Hall, including but not limited to, all known subsidiaries of WOIH Partners LLC, and Little White Oak Real Estate Holdings LLP provided to the City of Houston as required by the 380 agreement.
2. Detailed cell phone records of Mayor Sylvester Turner, including all telephone communications and text message communications relating to City of Houston business since January 1, 2016.

If you have any questions or need additional information, please contact me at 713-360-6911.

Respectfully,



Wayne Dolcefino  
Dolcefino Consulting

Exhibit A

3701 Kirby, Suite 560  
Houston, Texas 77098  
713-360-6911

Mobile: 713-389-0810

[www.dolcefino.com](http://www.dolcefino.com)

[wayne@dolcefino.com](mailto:wayne@dolcefino.com)

## Wayne Dolcefino

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**From:** Ward, Darian - MYR <Darian.Ward@houstontx.gov>  
**Sent:** Friday, December 30, 2016 2:16 PM  
**To:** Wayne Dolcefino  
**Subject:** RE:

Answer is no..



**Darian Ward**  
Press Secretary  
Houston Mayor Sylvester Turner  
Darian.ward@houstontx.gov  
(832) 393-0804  
[www.houstontx.gov](http://www.houstontx.gov)  
[Twitter](#)

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**From:** Wayne Dolcefino [mailto:wayne@dolcefino.com]  
**Sent:** Thursday, December 29, 2016 3:21 PM  
**To:** Ward, Darian - MYR  
**Subject:**

Do you guys have the list of investors provided on the 380. Just need a yes or no and the list under TPIA. Icken's folks are responsible for the 380 stuff.

Wayne Dolcefino  
President  
Dolcefino Consulting  
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O:713-360-6911

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Exhibit B