

# MILLS SHIRLEY L.L.P.

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November 24, 2025

Open Records Division  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

**VIA WEBSITE UPLOAD**

**Re: Response to Open Records Request  
Galveston Historical Foundation/Dolcefino Media**

Dear Assistant Attorney General:

Mills Shirley L.L.P. represents the Galveston Historical Foundation, Inc. (“GHF”). I write under Chapter 552 of the Texas Government Code to request an opinion confirming that GHF is not a “governmental body” within the meaning of § 552.003(1)(A)(xv) and is therefore not subject to the Texas Public Information Act (“TPIA”).

**Summary:**

Dolcefino Media has submitted multiple written communications to GHF since November 10, 2025 asserting that GHF is subject to the TPIA. Dolcefino contends that because GHF is the recipient of small state-funded grants for specific instances of historical restoration, it is subject to the TPIA.

In its most recent correspondence, Dolcefino identified several categories of materials it seeks, including:

1. A general ledger detailing all itemized expenditures of the Galveston Historical Foundation since January 1, 2023.
2. A ledger detailing all itemized expenditures that involve the use of government grants, loans or contracts since January 1, 2023. Email lists, attendee lists, or minutes of meetings involving public officials and GHF members where public projects or advocacy topics were discussed;

3. A general ledger detailing all itemized expenditures relating to the Juneteenth Museum, including any invoice and contract received by the Galveston Historical Foundation.

Attached is the email chain with Dolcefino and its original requests. GHF attempted to confer with Dolcefino regarding the requests. As explained in the attached email, there are no responsive records to request number 3.

Dolcefino argues that such records constitute “public information” under Chapter 552 and should be disclosed.

GHF respectfully disagrees and seeks an Attorney General determination confirming that GHF is a private nonprofit corporation, that operates independently of government and is not a “governmental body” under the TPIA.

#### **Applicable Law:**

The TPIA applies to governmental bodies, including certain private entities “supported in whole or in part by public funds or that spend public funds.” Tex. Gov’t Code § 552.003(1)(A)(xv).

In *Greater Houston Partnership v. Paxton*, the Texas Supreme Court held that a private chamber of commerce receiving city funds for economic development services was not subject to the TPIA. The Court explained that § 552.003(1)(A)(xv) reaches only those private entities that are sustained, at least in part, by public funds and that act as the functional equivalent of a governmental body. In other words, “supported...by public funds” includes an entity “whose existence is predicated on the continued receipt of governmental funds,” and suggests “a financially dependent relationship between the governmental body and a private entity[.]” *Greater Houston Partnership v. Paxton*, 468 S.W.3d 51, 60 (Tex. 2015).

#### **Factual Background:**

GHF is a private, non-profit corporation organized under Chapter 22 of the Texas Business Organizations Code.<sup>1</sup> GHF is exempt from federal income tax under §501(c)(3) of the Internal Revenue Code.<sup>2</sup>

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<sup>1</sup> See Restated Articles of Incorporation for Galveston Historical Foundation, Inc.

<sup>2</sup> 26 U.S.C.S. § 501(c)(3).

GHF was formed as the Galveston Historical Society in 1871 and merged with a new organization formed in 1954 as a non-profit entity devoted to historic preservation and history in Galveston County. Over the last seventy years, GHF has expanded its mission to encompass community redevelopment, historic preservation advocacy, maritime preservation, museum development, and heritage tourism. GHF embraces a broader vision of history and architecture that encompasses advancements in environmental and natural sciences and their intersection with historic buildings and coastal life, and continues to lead on local, state, and national levels with research-driven programs that build awareness of preservation's role in cultural identity and stewardship across generations.

GHF is not sustained by public funds. GHF's annual revenue, as reflected in its most recent filed IRS Form 990, is approximately \$6 million, and is derived from donations, sales, sponsorships, events, rentals, and leases. GHF continues as a going concern based on these donations, and not government grants which make up a small percentage of its overall receipts.

Importantly, the governmental grants are not used to sustain GHF. Since 2023, GHF has been awarded 4 competitive grants funded by public money. These grants are for the following projects:

- Ashton Villa (2 projects)
- Rosewood Cemetery
- Bishop's Palace
- Mid-century properties and flood mitigation options

These grants fund project-specific costs for the rehabilitation and preservation of historic properties and are restricted to those designated purposes. GHF may receive administrative fees of up to 15% of grant amounts to cover overhead costs directly attributable to grant administration, but these fees do not support GHF's general operations or ongoing existence. GHF is voluntarily producing a report of the project costs for each of the above listed projects to Dolcefino.

#### **Application:**

Because GHF is neither sustained by public funds, is governed by an independent private board and is not performing governmental functions, it does not fall within the scope of § 552.003(1)(A)(xv) and is therefore not subject to the TPIA.

For these reasons, the GHF respectfully requests that the Office of the Attorney General confirm GHF is not a "governmental body" under the Texas Public Information Act and is under no obligation to respond to Dolcefino's public information requests under the TPIA.

Attorney General

Monday, November 24, 2025

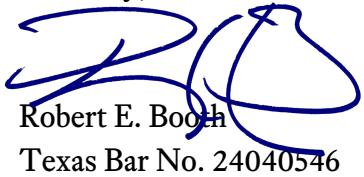
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If the Attorney General needs more information regarding GHF to make a determination, please direct those inquires to me.

Thank you for your time and attention to this matter.

Sincerely,



Robert E. Booth  
Texas Bar No. 24040546

cc: Dolcefino Media