

May 5, 2026

Via Online Submission

Ken Paxton, Attorney General
Office of the Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711-2548

ATTENTION: Open Records Division

**Re: Requests for information from Ian Camacho to the Village of Salado (4.14.2026) OAG
Tracking ID: OR26021521**

Dear Attorney General Paxton:

This law firm represents the Village of Salado (“the Village”). Ian Camacho (“Requestor”) submitted the attached requests (**Exhibit A**), which were received by the Village on April 14, 2026. Mr. Camacho requests the following information:

First request:

“Copies of all communications Ralph J. Collins or his legally authorized representative/estate, or heirs since January 2023.

Copies of minutes, vote tally and resolution of the Board of Aldermen approving the reclassification of the \$945k into a restricted fund.

Written agreement, contract, plan, agenda, resolution, etc. showing the village's current position on returning the funds to the Collins estate.

Current draft or timeline for the “Village of Salado Comprehensive Fund Balance Policy” review promised in section VII of the notice.”

Second request:

“Any formal legal opinions on ownership of the R.J. Collins \$945,625.08 escrow check, given the absence of any agreement and Mr. Collins’ death, or whether the funds could be subject to escheat or an unclaimed-property process.”

Third request:

1. Please provide the front and back images of the original \$945,625.08 check from Mr. Collins (redacted only for any bank routing/account numbers), the deposit slip, and the exact date the word "escrow" was added to the memo line and by whom.
2. Provide the complete general-ledger journal entries (with dates, account numbers, and

descriptions) for (a) the initial January 2023 deposit and (b) the recent move of these funds from the general fund to a restricted fund, as stated in section VII of the April 2, 2026 notice.

3. Please itemize every project or expenditure that drew on these funds while they were treated as available cash flow (the notice states they were used for “projects experiencing overages”).

4. Provide the full July 2024 auditor correspondence that recommended consolidating the wastewater bond fund, plus any follow-up reports on interfund-loan repayment.”

The Village has determined that a portion of the responsive information requested may be excepted from disclosure by sections 552.103, 552.107, and 552.111 of the Texas Public Information Act, (the “Act”), Chapter 552 of the Texas Government Code. The Village will provide the Requestor with information not excepted from disclosure by 5:00pm on May 5, 2026.

This request for an opinion is sent within 10 business days from the date the request was received on April 14, 2026. On April 28, 2026, the Village submitted notice to your office that it was requesting a ruling¹. We are providing the requestor with a copy of this correspondence in compliance with section 552.301(d) of the Texas Government Code.

I. Litigation Exception (TEX. GOV’T CODE § 552.103)

Section 552.103 excepts from required disclosure information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person’s office or employment, is or may be a party.

The purpose of the exception is to prevent parties in litigation from obtaining information outside of the discovery process. *E.g.*, *Thomas v. Cornyn*, 71 S.W.3d 473, 487 (Tex. App.—Austin, 2002, no pet.); *Cornyn v. City of Garland*, 994 S.W.2d 258, 265 (Tex. App.—Austin 1999, no pet.); TEX. OPEN REC. DEC. No. 551 (1990). While most or all of the requested information may well ultimately be available, the exception exists so that the release is subject to the timing, the procedures, and the protections inherent in the discovery process.

The test for establishing the litigation exception is a showing that (1) litigation is pending or reasonably anticipated on the date the governmental body received the request for information and (2) the information at issue is related to that litigation. *Univ. of Tex. Law Sch. v. Tex. Legal Found*, 958 S.W.2d 479,481 (Tex. App.—Austin 1997, orig. proceeding); *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.—Houston [1st Dist.] 1984, writ ref d n.r.e.); Open Records Decision No. 551 at 4 (1990). The Act does not define the meaning of the words “related to,” however, the Third Court of Appeals has opined that, for purposes of section 552.103, the phrase “related to” is construed broadly to include all information “pertaining to,” “associated with,” or

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“connected with” contemplated litigation. *University of Tex. Law Sch.*, 958 S.W.2d at 483. The court further observed that, “[i]nformation can be related to litigation without being relevant to the substantive issues in the litigation.” *Id.*

A. Anticipated Litigation

Whether litigation is reasonably anticipated must be determined on a case-by-case basis. *See* Open Records Decision No. 452 at 4 (1986). To demonstrate litigation is reasonably anticipated, the governmental body must furnish concrete evidence that litigation involving a specific matter is realistically contemplated and is more than mere conjecture. *Id.* The hiring of an attorney and the assertion by that attorney of an intent to sue establish that litigation is reasonably anticipated. Op. Tex. Att’y Gen. No. OR2015-04240 (2015); Op. Tex. Att’y Gen. No. OR2004-8527 (2004).

Regarding the first element of the test, on January 22, 2026, prior to the date the request was received, an attorney representing the Collins family sent a demand letter threatening legal action if the demand was not met. Specifically, the following excerpt from the letter in **Exhibit B** is more than mere conjecture that the Village can reasonably anticipate litigation since the demand was not met:

If the money is not returned by that time, the estate will review other options available for recovering the money, plus interest, and any other relief to which they may be entitled.

It is clear that objective steps have been taken by the Collins family to hire an attorney and threaten legal action against the Village because the monetary demand was not met. The Requestor’s Public Information Act request asks for a variety of documents related to the check that is the subject matter of the Collins family’s demand letter including agreements, plans, drafts, attorney opinions, timelines, contracts, and expenditures related to the check, which encompasses documents that are related to the reasonably anticipated litigation involving the Village that is contemplated in the letter that is attached as **Exhibit B**. Thus, the Village anticipated the litigation prior to the date of this request.

Although the Requestor is not the individual(s) threatening suit against the Village, your office has noted generally that the applicability of section 552.103 is dependent on whether a governmental body raising this exception, or an officer or employee of a governmental body as a consequence of the person's office or employment, is a party to pending or reasonably anticipated litigation; the status of a requestor as a party or non-party to the litigation at issue is immaterial. *See* Gov’t Code § 552.103(a); Open Records Decision No. 575 at 2 (1990) (predecessor to section 552.103 only applies when governmental body is party to litigation). As the Village is named as the potential defendant in the demand letter attached as **Exhibit B**, the Village asserts there was anticipated litigation prior to the date this request was received on April 14, 2026, and the representative sample of documents in **Exhibit C** relate to the anticipated litigation.

B. Related to Reasonably Anticipated Litigation

The information in **Exhibit C** relates to the reasonably anticipated litigation. Specifically, included are emails that pertain to communications regarding the development for which the funds referenced in the demand letter were provided to the Village and the Collins Estate/Development Check. The requested materials are directly related to the demand letter and the reasonably anticipated intention therein to pursue legal action against the Village. The representative sample of documents identified in **Exhibit C** has not been released. Accordingly, the request seeks information that pertains to, is associated with, or is connected to the anticipated litigation, and the Village therefore seeks an opinion regarding whether this information may be withheld.

II. Attorney Client Privilege (Tex. Gov't Code § 552.107)

Alternatively, if your office does not find the information can be withheld under section 552.103, section 552.107(1) of the Government Code protects information subject to the attorney-client privilege. When asserting the attorney-client privilege, a governmental body has the burden of providing the necessary facts to demonstrate the elements of the privilege in order to withhold the information at issue. Open Records Decision No. 676 at 6-7 (2002). First, a governmental body must demonstrate that the information constitutes or documents a communication. *Id.* at 7. Second, the communication must have been made “to facilitate the rendition of professional legal services” to the client governmental body. Tex. R. Evid. 503(b)(1).

Third, the privilege applies only to communications between or among clients, client representatives, lawyers, and lawyer representatives. Tex. R. Evid. 503(b)(1)(A), (B), (C), (D), (E). Thus, a governmental body must inform your office of the identities and capacities of the individuals to whom each communication at issue has been made. Lastly, the attorney-client privilege applies only to a confidential communication, *Id.* 503(b)(1), meaning it was “not intended to be disclosed to third persons other than those: (A) to whom disclosure is made to further the rendition of professional legal services to the client; or (B) reasonably necessary to transmit the communication.” *Id.* 503(a)(5).

Section 552.107 of the Government Code states that information is excepted from required public disclosure if “it is information that . . . an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct.”

Under Texas Rule of Evidence 503(b), “a client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client.” A “confidential communication” is a communication “not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication.” Tex. R. Evid. 503(a)(5). The “rendition of professional legal services” includes seeking the advice, opinion, or recommendation of an attorney, and also includes directing the attorney to pursue certain avenues of analysis on behalf of the client. The privilege extends to communications between or among

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clients, client representatives, lawyers, and lawyer representatives. *Id.* at 503(b)(1)(A), (B), (C), (D), (E). Section 552.107 generally excepts from disclosure an entire communication that is demonstrated by the governmental entity to be protected by the attorney-client privilege.

The submitted representative sample of documents under **Exhibit C** meet the required elements of the attorney-client privilege:

a. The documents constitute written electronic communication among the following individuals:

Please contact my office if you have any questions regarding this matter.

Sincerely,

A handwritten signature in blue ink that reads "Lori J. Robinson". The signature is written in a cursive, flowing style.

Lori Robinson

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Encl: Exhibit A: Request
Exhibit B: Demand Letter
Exhibit C: Responsive Information

cc: Village of Salado
Requestor (without enclosures)