

Gary B. Lawson

December 1, 2003

Fraud Investigations  
Dallas Public Fraud Prevention Services  
P. O. Box 455  
Addison, TX 75001-0455

Re: Texas Public Information Act – Open Records Request  
Dallas Police & Fire Pension System  
**ID # 0301-022**

Dear Sir or Madam:

This is in response to your request for information dated November 17, 2003, which was directed to Mr. Teodoro J. Benavides, Dallas City Manager. You indicated that your request is made pursuant to the Texas Open Records Act, Chapter 552, of the Texas Government Code.

Your request which was received by the Dallas Police and Fire Pension System on November 24, 2003, asks that Mr. Benavides' office identify all legal documents filed by or on behalf of the Dallas Police & Fire Pension System in a suit against the Attorney General in the 353rd Judicial District Court, Cause No. GN 301225. You ask further that Mr. Benavides' office include the date of filing and a brief description of each document. You further note that if documents responsive to this request are not available, there is considerable knowledge within the Pension System to include its Chairman. You did not ask for any existing documents.

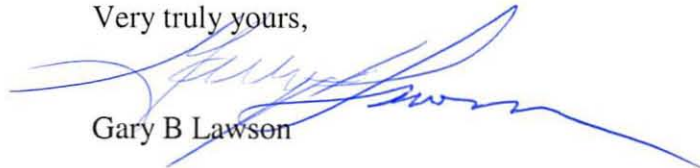
As you already know, the documents that exist with respect to this matter would be within the control of the Pension System and not in Mr. Benavides' Office. Chapter 552 of the Government Code requires certain entities to make available public documents that are not protected from disclosure by confidentiality, exception or other law. However, that Chapter does not require an entity to create documents that do not exist (See Op. Atty. Gen. 1994, No ORD-624, and Op. Atty. Gen. 1994, No ORD-625), or to interrogate its officers and employees to obtain information that it has not documented.

Copies of the documents that have been filed in this case are Court records that may be obtained from the Court described above. You may also view or pick up copies of the legal documents at the law office of Lawson, Fields, McCue & Campbell, P.C., at 14135 Midway Road, Suite 250, Addison, TX 75001. If you wish to view or pick up copies of these documents, please call Gary B. Lawson, Esq., at (972) 490-0808 to arrange a mutually suitable time for the

Fraud Investigations  
Dallas Public Fraud Prevention Services  
December 1, 2003  
Page 2

pick up. Finally, if you wish to receive copies of these documents by mail, you may do so by contacting Mr. Lawson. A nominal charge for copying (payable to the Pension System) may be required.

Very truly yours,



Gary B Lawson

GBL/ms