

AG rules Treasurer Davenport must release procedure manuals

By Catherine Dominguez, cdominguez@hcnonline.com Published 10:12 pm, Thursday, March 1, 2018

Photo: Jason Fochtman, Staff Photographer



County Treasurer Stephanie Davenport



Melanie Bush, candidate for Montgomery County Treasurer and current Conroe ISD board president.

Texas Attorney General Ken Paxton ruled Thursday that Montgomery County Treasurer Stephanie Davenport must release policy and procedure manuals for her department that she initially blocked from challenger Melanie Bush three months ago. Bush's Dec. 1 request was followed by two other similar requests. Bush, who is the Conroe ISD board president and owner of Better Bookkeepers, is challenging Davenport in the Tuesday, March 6, Republican primary election. Early voting ends Friday.

According to the ruling released Wednesday, the Treasurer's Office must release the manuals but redact "access device numbers" (under Section 552.136 of the Government Code); employees' dates of birth (under Section 552.102(a) of the code); and Social Security numbers (under Section 552.147).

Bush said she was "pleased but not surprised" by the ruling. "The items deemed private are the same items I agreed to have redacted and that the County Attorney's Office told her to redact and then release the procedure manuals," Bush said. "This all should have been done within the 10 business days of my Dec. 1 request."

Davenport, in a statement, said she also was pleased with the ruling and added that while the AG did not exempt the entire documents, the areas she had the most concern can be redacted. "As treasurer, my primary statutory responsibility to Montgomery County is as chief custodian of county funds," Davenport stated. "As such, my primary concern is the safety, security, and integrity of the treasury. I value the time spent deliberating on the best course of action by the Attorney General's office on this request. ... We knew that the issue went far beyond the claimed user names and passwords. I will be following the recommendations of Attorney General Paxton's office and withholding information that is not subject to disclosure

by law. Portions of this information will be made available as soon as possible and in accordance with the law."

Bush said the issue has dragged out for almost three months. "Ms. Davenport's attempts to politicize a matter of transparency and open government is not something that should continue," Bush said. "My request was never political."

Davenport has maintained it was not political and she was acting in the best interest of the county. "When the initial request was made, I had three concerns with releasing the documents. 1) Maintaining the integrity of the tax payer funds. 2) Ensuring the integrity of the county finance system and 3) Retaining fraud protection systems in place. We await the marked-up documents to be sent to us, but feel certain the redactions necessary to protect your tax dollars will be included," Davenport stated.

Former Montgomery County resident Justin Pulliam, who submitted a similar request as Bush after reading the story in The Courier, said the information is of substantial interest to the community. "After reading about this in the newspaper, I thought that something wasn't quite right," he said. "I know that transparency and accountability helps keep our public resources safe and reduces government abuse. I thought these were records that needed to be brought to light."

Bush submitted her request to Davenport Dec. 1, asking for the procedure manual Davenport said she created in 2014. However, Bush most likely still will not have the manuals in hand before the election ends, despite waiting three months.

Davenport originally agreed to release the information but claimed in a December commissioners court meeting she was given "bad advice" from the County Attorney's Office regarding the situation and releasing the information. County Attorney J D Lambricht told the court during that same meeting his office did not give Davenport bad advice adding that his office supports the public's right to information and the Public Information Act.

"(The AG's Office) is falling in line with our opinion nine weeks ago," Lambricht said. "It's unfortunate (the requestors) and the public have been denied access to this. At the end, transparency and openness have prevailed."