

Courier: AG, Bush, Lambricht got it right

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Photo: Jason Fochtman, Staff Photographer

Melanie Bush, Republican candidate for Montgomery County Treasurer, speaks beside incumbent Stephanie Davenport during the Conroe/Lake Conroe Chamber of Commerce candidate forum at the Lone Star Convention & Expo Center, Tuesday, Feb. 6, 2018, in Conroe.

Montgomery County Attorney J D Lambricht, right, speaks next to County Treasurer Stephanie Davenport during a commissioners court meeting at the Alan B. Sadler Administration Building Tuesday, Dec. 19, 2017, in Conroe.

It took three months for County Treasurer Stephanie Davenport to learn what her challenger and the county attorney already knew about transparency laws in Texas and public trust in government. And on Thursday, the Texas Attorney General's Office confirmed what County Attorney J D Lambricht had advised Davenport to release concerning Melanie Bush's open records request.

Bush, the Conroe ISD board president and owner of Better Bookkeepers, is challenging Davenport for her county treasurer position in Tuesday's Republican primary election. On the first day of December, Bush filed an open records request with the Treasurer's Officer seeking the department's procedure manual, among other information.

However, Davenport, who touted she had created the manual in 2014, did not want to release the reported 700-page manual because she said it contains proprietary information, such as usernames, passwords and access codes. Lambricht's office recommended she release the documents with certain information redacted. While Bush maintained that private information should not be in procedure manuals, she agreed to review them with the proprietary content redacted. However, Davenport balked at that.

However, Davenport wanted Lambricht's office to seek an AG's ruling, which he refused. So, instead of releasing the information, Davenport ultimately filed her own request for a ruling from the AG's Office on Dec. 22.

Prior to that, Davenport even sought backing from Montgomery County Commissioners Court, requesting an item on the agenda for a resolution deeming the procedures of her department proprietary, as she believed her manual was exempt from the Texas Public Information Act. The agenda item ultimately stated commissioners would discuss policies and procedures, in which commissioners wisely took no position.

The Courier opined in an editorial prior to that December Commissioners Court meeting that it was irresponsible to include any proprietary information in a manual that government deems a public document; and that the simple solution was to redact that private information and release the documents; then rewrite the manual excluding the protected details.

And in its ruling released Thursday, the AG's Office agreed with everything Davenport had been told by the County Attorney's Office and what The Courier had stated in its editorial.

The AG's office marked username and password information, access devices (such as charge cards), computer network security items, birth dates and Social Security numbers to be redacted. However, the ruling stated that Davenport had not demonstrated that anything else is exempt from the law and that the Treasurer's Office must release all remaining information.

The Courier believes Davenport's efforts to block the release of public documents and ignore the advice of the County Attorney's Office showed a lack of respect for and understanding of Texas open government laws. Whereas Bush's request and stance shows knowledge of the Public Information Act and a willingness to be transparent as the overseer of hundreds of millions of dollars in taxpayer money. That is one of the main reasons The Courier endorsed Bush in Tuesday's primary election.

The response by Davenport to the AG's ruling was a disappointment as she spun the ruling to make some believe she actually was proven right in this ruling, rather than respecting and acknowledging the outcome.

"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," Davenport, who also had blamed the County Attorney's Office for bad advice, stated in a release.

Lambricht, however, disagreed with Davenport in his own release: "To be clear, the Treasurer's office sought to withhold the documents in their entirety. The Letter Ruling from the Attorney General instructs the County Treasurer to redact and release. It is therefore inaccurate to state that the Letter Ruling agrees with the County Treasurer's position or that our office gave the County Treasurer 'bad legal advice.'"

Lambricht's office has handled more than 3,500 requests since he took office in 2013. The Courier has been involved in several of those requests and appreciates the diligent, yet swift handling of those matters.

"This office takes representing our client's interests seriously when it comes to legitimate and appropriate exceptions as provided by the Act," Lambricht stated. "While it may be tempting to some persons to simply deny access to information, the more prudent and transparent approach is to determine which portion of the responsive documents is able to be released without increasing risk of harm to the County. This Letter Ruling affirms our office's position that the Act should be liberally construed in favor of open government."

Lambright said the release should be expedited and his office offered to redact the information for the Treasurer's Office to get it in the requestors' hands as quickly as possible. This is about transparency and trust, which Lambright and Bush both have achieved in their public service and reinforced in this matter.