

Douglas Kirk
1850 Old Sattler Road
Canyon Lake, Texas 78132

(830) 237-7313

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Ken Paxton
Texas Attorney General
POB 12548
Austin, Texas 78711-2548

Dear Attorney General Paxton:

I'm thinking about putting forth a petition to rename Comal County, "Sharpstown." Here we have Low Swinney Evans & James, PLLC, Attorneys At Law, arguing in a letter to you December 12, 2018, that in an open records request I filed regarding documents held by the Comal Appraisal District, that I pretty much should not receive any documents, citing various absurd exceptions which, properly abused on a regular basis, will shut down government transparency at every level.

Let's look at my Nov. 30, 2018 requested items one at a time, and then try to apply some common sense:

1. All documents presented by the Comal Appraisal District (CAD) at the review hearing. (A photograph is a document.) *Why would the CAD not want to share with me copies of documents that have already been made public at a public hearing?*
2. All documents, relative to these cases, that were present at the review hearing, whether presented or not. *If the CAD brought these documents to the public hearing, why are they seeking to ditch them now?*
3. All notes taken at the review hearing by any of the five CAD employees present at the review hearing. *Under normal circumstances, notes taken by public employees at public meetings are considered public, are they not? (I am not asking for them to reveal any secret handshakes or gay glances or any non-verbal or non-written communication.)*
4. Any document that reveals the names of the five CAD employees present at the review hearing. *So five CAD employees appear at a public hearing and they somehow don't want to be identified? Is this a secret society?*
5. Any audio recordings of the review hearing, whether official or unofficial (audio system or personal cell phone or recorder.) *We know the CAD records all the public ARB protest hearings. And I am not entitled to a copy of that recording? Are they ashamed of what they said, or is this just secrecy for the thrill of it?*
6. All documents, whether at the review hearing or not, which were relied upon by the CAD to make its evaluation and/or its subsequent presentation to the Review Board. *These documents are normally available under open records and I have received such in the past. However, now, to promote the secrecy and perhaps cover wrongdoing (conspiracy to violate rights?) I am not allowed to have these documents? How does that promote transparency of government?*
7. Any other document related to these case numbers, whether it be photographic, hard copy, computer record, audio recording or any other form of record. *They are not willing to show me the case they are building? So the government can now have a hit list on certain citizens? What is this denial all about?*

8. Any document signed by Douglas Kirk at this hearing or any other hearing before the Appraisal Review Board in the year 2018. *Oh, wow. So they asked me to sign a document at the public hearing (two hearings, actually), and I am not entitled to have a copy of something I signed? Does KGB have any meaning here?*

9. Copy of any state certification held by any and or all of the five CAD employees at the hearing. *This is a good one. One CAD employee specifically told me I could have a copy of her state certification, but, that I would have to put in an open records request. I did, and it is being denied. So I guess she effectively lied to me. (See the audio of the meeting that they are unwilling to release to verify that she made this statement.) And please understand: We are asking for state certifications issued by the State of Texas, which is a public institution and all of its certifications should, or ought to be, public.*

10. Copy of any document that shows the names of the members of the Appraisal Review Board in the year 2018. *They released this one!*

11. Copy of all Notices of Appraised Value sent to any owner of any fireworks business operating in Comal County in the years 2014, 2015, 2016, 2017 and 2018. *Aren't notices of appraised value considered public? If they are not, how are we to be assured that the CAD is doing its job under the law to provide equal and uniform appraisals? Tax collection, after all, is a public undertaking.*

12. Copy of all property renderings to the Comal Appraisal District by any owner of any fireworks business operating in Comal County in the years 2014, 2015, 2016, 2017 and 2018. *Redact proprietary information and release the skeletons.*

13. Copy of any Appraisal Model used in the evaluation of personal property relative to the cases listed in Paragraph One. *I guess they can't release what doesn't exist even though the Texas Tax Code addresses such things.*

Attorney General Paxton, the level of absurdity of the CAD's effort to quash release of this public information rises to megalauighable. If the CAD anticipates suing me over this tax liability of \$56.49 (that's the total!), then I urge them to get on with it, even though the tax is not due until January 31, 2019 and they can't know until then whether I am going to pay it or not.

The letter to you did contain a misrepresentation of the truth:

Attorney Ryan L. James stated, on page 2, "That case concerns the 2018 value of a residential property owner by Mr. Kirk. Because request number 8 concerns documents presented by Mr. Kirk at "any other hearing before the Appraisal Review Board in the year 2018" it seeks documents related to the hearing on the property that is subject to review in that case.

Really? I did not present any documents at any ARB hearing in 2018. Not a single one. And if I had presented any, why would I be doing an open records request to get them back? You'd think I'd already have them. So what is Attorney James trying to say? At each of two hearings I signed a document handed to me by the CAD. Are we still going on this idea that I am not entitled to receive anything I signed because they think, what?, that they might sue me?

Unless we are going to rename this place Sharpstown and roll back the clock a few decades, it seems to me I am entitled to the release of these public documents.

Sincerely,

Douglas Kirk

dk/sf

