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OPEN RECORDS, GOVERNMENT

Some top 2007 stories written with the help of open records requests

AMERICAN-STATESMAN STAFF

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After the news broke that Texas Youth Commission guards had been accused of abusing juveniles, reporter Eric Dexheimer turned up evidence that Youth Commission facilities were dangerous for employees. An open records request to the state Department of Insurance showed that commission employees were filing injury claims at a rate of three per day — more than any other state agency — which cost taxpayers millions of dollars in disability payments and lost hours at work.

- When he heard that the University of Texas athletic department would spend \$100 million during the 2007-08 fiscal year, Dexheimer made a series of open records requests to find out where the money goes. The data helped identify several trends, including that sports spending is rising at twice the rate of the university's spending as a whole.

Reporter W. Gardner Selby sought expense records on the cost of security for Gov. Rick Perry when he travels out of the state. The attorney general ruled that making such details public might put the governor at risk. News organizations including the Statesman filed a lawsuit to challenge that ruling. It is pending.

Hundreds of pages of e-mails released after an open records request by reporter Corrie MacLaggan showed that Perry had failed to anticipate the public backlash to his order requiring that schoolgirls be vaccinated against the human papillomavirus. (The February mandate was later overturned.) The request also led to the surprise news that Perry has no state computer or state e-mail account.

- When a controversy erupted over the Austin City Council's offer to make a loan to owners of Las Manitas, a popular restaurant threatened by downtown development, reporter Sarah Coppola asked for city records related to the proposal. She found a staff memo written before the council's offer that criticized the proposed loan terms. The owners later turned down the loan. They eventually made a deal with the developers that will help the restaurant relocate in the same block.

When Chris Comer, the Texas Education Agency science curriculum director, resigned in November after being accused of appearing biased against the teaching of intelligent design, reporter Laura Heinauer submitted an open records request for personnel information. The documents shed light on the circumstances of Comer's departure.

- Mounds of records acquired through several open records requests revealed crucial details about the investigation and firing of Robert Hodge, the Austin Convention Center Department director, who was indicted on a state jail felony charge of tampering with a government record.

In July, reporter Tony Plohetski learned that then-City Manager Toby Futrell may have helped create a job and manipulated the city's hiring process for her brother-in-law. Though Futrell said she did not know how he was hired, information obtained through the Public Information Act documented Futrell's direct involvement.

- The UT student financial aid office came under scrutiny as part of a nationwide investigation by the New York attorney general and Congress into ties between colleges and lenders. The director of the office was dismissed after UT System officials concluded that he had violated UT rules by investing in a company and then placing its student loan subsidiary

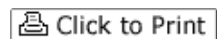
on a list of recommended lenders. An open-records request by reporter Ralph K.M. Haurwitz yielded e-mails detailing the friendly relationship between the financial aid director and the subsidiary's president. A request to Texas A&M University turned up e-mails showing that lenders had showered its financial aid office with food and office supplies.

Throughout much of 2007, reporter Joshunda Sanders sought information from state officials about sexual misconduct investigations of Texas teachers. Sanders wanted to know how prevalent misconduct allegations were and what, if anything, the Texas Education Agency was doing to track them. Ultimately, the state agency admitted that it had no central database tracking misconduct charges, in part because of federal and state privacy statutes. In January 2008, the state began mandatory fingerprinting of teachers in accordance with a new state law aimed at weeding out those with previously undetected criminal pasts.

In August, Asher Price reported that the state's General Land Office was putting the Christmas Mountains tract, more than 9,000 acres adjacent to Big Bend National Park in West Texas, up for sale against the wishes of the conservation group that donated the land in 1991. Open records requests forced the agency to reveal information about the private bids for the property. Under public pressure, the land office backed away from the sale in February.

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