

## **Before the Presiding Judges of the Administrative Judicial Regions**

### **Per Curiam Rule 12 Decision**

**APPEAL NO.:** 12-010

**RESPONDENT:** Dain Johnson, Justice of the Peace, Precinct 1, Williamson County

**DATE:** September 28, 2012

**SPECIAL COMMITTEE:** Judge Stephen B. Ables, Chair; Judge Olen Underwood; Judge David Peebles; Judge J. Rolando Olvera; Judge Jeff Walker

Petitioner emailed three requests for records to Judge Dain Johnson (Respondent) and received three auto-generated email responses stating that her emails had not been received by the intended recipient because they had been blocked. Petitioner then filed this appeal.

Respondent confirmed that a block was in place during the time Petitioner's requests were submitted but asserts that the block was not activated at his request. The block was removed on July 10, 2012, after Petitioner contacted the County regarding the block. Respondent also asserts that he first learned of Petitioner's requests when he received notice of this appeal. Respondent has confirmed that he has some of the requested records and has notified Petitioner in writing regarding the cost to provide copies. Respondent has also informed Petitioner that he does not have the other records she requests and that two of the requested records are maintained by the County Clerk of Williamson County (County Clerk), not by his office.

Respondent, upon learning of the requests, has responded as required by Rule 12. However, Rule 12.6(f) requires a judge who receives a request for records not in his or her custody, but in the custody of a records custodian known to the judge, to forward the request to the proper records custodian and notify the requester in writing. *See* Rule 12 Decision No. 08-004. Thus, Respondent should have forwarded Petitioner's requests for records maintained by the County Clerk to the County Clerk. We are confident that Respondent will comply with this requirement in light of this decision.

In summary, Respondent did not receive Petitioner's requests until he was notified of this appeal, and he was not responsible for the circumstances that resulted in the requests being blocked. Upon learning of the requests Respondent replied to Petitioner, and we are confident that he will forward Petitioner's requests for records that are not in his possession to the proper custodian as required by Rule 12.6(f).

There being no other issues, the appeal is denied.