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September 3, 2015

Via Certified Mail RRR No. 7014 2120 0001 4500 1336

And U.S. First Class Mail

Lee Ehmke
President and CEO
Houston Zoo, Inc.
1513 Cambridge
Houston, Texas 77030

Via Certified Mail RRR No. 7014 2120 0001 4500 1350

And U.S. First Class Mail

Suzanne Nimocks
Chair of Board of Directors
Houston Zoo Development Corp.
1513 N. Macgregor
Houston, Texas 77030

Via Certified Mail RRR No. 7014 2120 0001 4500 1367

And U.S. First Class Mail

Joe Turner
Director of the Houston Parks and Recreation Department
2999 South Wayside
Houston, Texas 77023

Re: Unlawfully posted §30.06 sign at the Houston Zoo

Dear Mr. Heike, Ms. Inlocks, and Mr. Turner,

I am a citizen of the State of Texas and a person licensed to carry a handgun under Subchapter H, Chapter 411 of the Texas Government Code. I am writing to inform you that the criminal trespass warning sign preventing lawful handgun license holders from bringing concealed handguns onto the real property located at the Houston Zoo, 6200 Herman Park Drive, Houston, Texas 77030, is posted in violation of Texas Penal Code §30.06(e) and is actionable under Texas Government Code §411.209.

The Houston Zoo sits on real property owned by the City of Houston and it is not a place where firearms or concealed handguns are prohibited under Texas Penal Code §46.03 or §46.035. Texas Penal Code §30.06 does not apply to property that is owned by the City of Houston. Specifically, Texas Penal Code §30.06(e) states, "It is an exception to the application of this section

that the property on which the license holder carries a handgun is *owned* or *leased* by a governmental entity. Therefore, the posting of §30.06 signs on this property is prohibited.

The fact that the real property that the Houston Zoo occupies is owned by the City of Houston, a state agency or political subdivision, brings it under the purview of Texas Penal Code §30.06(e). Additionally, the City of Houston has leased the zoo property to Houston Zoo Development Corp., a local government corporation, who in turn has contracted with Houston Zoo, Inc., a 501(c)(3) corporation, to operate the zoo. The City of Houston appoints at minimum 20% of the Board of Directors of Houston Zoo, Inc., as well as contributes substantial sums of public tax dollars for the purposes of operating the Houston Zoo. Therefore, Houston Zoo, Inc., in spite of its purported status as a private non-profit corporation, serves as the paid contractual agent of the City of Houston for the purposes of operating and managing City of Houston property, thereby bringing it under the broad meaning of "political subdivision" for the purposes of Texas Government Code §411.209.

The offending §30.06 sign is specifically located at the main entrance to the Houston Zoo. I have enclosed photographs of the sign and the buildings as evidence of the violation in accordance with Texas Government Code §411.209(d). I am hereby requesting that you remove this sign and any other §30.06 signs from the property.

If the illegally posted §30.06 signs are not removed from the property before the end of the third business day after the receipt of this notice, this complaint will be filed with the Office of the Texas Attorney General.

In the event that the Texas Attorney General determines that this property has been improperly posted with §30.06 signs and they are not removed, Houston Zoo, Inc., Houston Zoo Development Corporation, and/or the City of Houston, faces a fine of up to \$1,500.00 a day for the first violation and \$10,500.00 a day for the second or subsequent violations. Further, sovereign immunity for this conduct by a state agency or political subdivision has been abolished by Texas Government Code §411.209(h), subjecting it to possible litigation to collect any assessed fines, court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

At the expiration of three business days, I will revisit the Houston Zoo, to determine if the corrective action of removing all unlawful §30.06 signs has occurred. In the event the signs have not been removed I will proceed with requesting that the Office of the Texas Attorney General enforce all remedies available under the law.

Thank you for your prompt attention to this matter.

Sincerely,

T. Edwin Walker
Attorney at Law

Encl.

cc: The Office of the Texas Attorney General