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BLOWING OF THE WHISTLE - TEXAS

[City of Denton v. Grim](#)

Supreme Court of Texas - May 3, 2024 - S.W.3d - 2024 WL 1945118

Former city employees filed suit against city under Whistleblower Act, based on allegations that they were terminated for having reported violations of law by city council member who leaked confidential vendor information to reporter for local newspaper in context of story about controversial plan for construction of new power plant.

The 68th District Court, Dallas County, denied city's motions for directed verdict and for judgment notwithstanding verdict (JNOV), entered judgment on jury's verdict for employees, and denied city's motion for new trial.

City appealed, and Dallas Court of Appeals affirmed. Petition for review was granted.

The Supreme Court held that:

- Alleged violations by city council member, who was not public employee, of Public Information Act and Open Meetings Act, could not be imputed to city, and thus, council member's violations of law were not violations of law by city, as employing governmental entity, within meaning of Whistleblower Act;
- Council member was not acting as agent for city when she allegedly violated law, and thus, council member's violations of law were not violations of law by city, as employing governmental entity;
- Whether government official who had no authority to act on behalf of government entity was acting in his or her individual or official capacity at time of violation of law had no bearing on issue whether official's violation of law constituted violation of law by employing government entity, within meaning of Whistleblower Act, disapproving *City of Cockrell Hill v. Johnson*, 48 S.W.3d 887; and
- Goal of Whistleblower Act to encourage public employee's reports of violations of law that were detrimental to public good or society in general without fear of retribution had no bearing on whether violation of law by governmental official who had no authority to act on behalf of governmental entity constituted violation of law by employing governmental entity, within meaning of Act, disapproving Housing Authority of the *City of El Paso v. Rangel*, 131 S.W.3d 542.